Reg. No. KL/TV(N)/12

Government of Kerala
1982



KERALA GAZETTE

SUPPLEMENTS

PUBLISHED BY AUTHORITY

Vol. XXVII] Trivandrum, Tuesday, 1st June 1982 / 11th Jyaistha 1904 (Saka) [No. 22

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GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 155/82/LBR. *Dated, Trivandrum, 16th February 1982.*

The award of the Industrial Tribunal, Alleppey in respect of the dispute between the Managing Director, O/E/N India Ltd., Electrogiri, Mulenthuruthy, Ernakulam and their workmen represented by (1) The General Secretary, O/E/N India Employees Union; Mulenthuruthy (2) The General Secretary, O/E/N India Employees Association, Mulenthuruthy (3) The General Secretary, O/E/N India Workers Union, Mulenthuruthy received by Government on 12-2-1982 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,

P. Gomathy Amma,
Deputy Secretary.

In the Court of the Industrial Tribunal, Alleppey

Dated this the 7th day of January, 1982

Present :

Shri K. KANAKACHANDRAN, B.Sc., LL.B.,
Industrial Tribunal

INDUSTRIAL DISPUTE No. 16/1981

Between

The Managing Director, O/E/N India Ltd., Electrogiri, Mulenthuruthy, Ernakulam

And

The workmen of the above concern represented by (1) The Genera Secretary; O/E/N India Employees Union, Mulenthuruthy (2) The General Secretary, O/E/N India Employees Association, Mulenthuruthy (3) The General Secretary, O/E/N India Workers Union, Mulenthuruthy

Representations:

Sri J. B. Koshy,
Advocate,
Ernakulam. : For *Management*

M/s. K. Balachandran &
M. Jayakumar,
Advocates,
Desabhimani Road,
Cochin-17. : For *Workmen*

G. A. 44/V.

AWARD

The Industrial Dispute between the Managing Director, O/E/N India Limited, Electrogiri, Mulenthuruthy, Ernakulam and the workmen was referred to this Tribunal by G.O. (Rt.) 1452/81/LBR Labour (A) Department dated 21-11-1981. The issue referred is the Bonus for the year 1980 in the O/E/N India Ltd., Mulenthuruthy.

In response to this Tribunal's notice both sides entered appearance on 9-11-1981. When the matter was posted for the filing of claim statement on 7-1-1982, the Management filed a memorandum stating that they had paid to workmen 20% of their wages as Bonus for the year 1980 and the matter was settled between the parties. Therefore, there is no dispute between the parties regarding bonus now.

In view of the settlement reached between the parties, no Industrial Dispute is now existing.

K. KANAKACHANDRAN,
Industrial Tribunal,
Alleppey.

Kerala Gazette No. 22 dated 1st June 1982.
PART I

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 360/82/LBR. *Dated, Trivandrum, 6th April* 1982.

The award of the Industrial Tribunal, Alleppey, in respect of the dispute between the Management of (i) Narayanan & Co., Manufacturers' Representatives XXXVI/327 Cround View, Mahatma Candhi Road, Cochin-682011 and (ii) The Partner, Narayanan & Co., Manufacturer's Representatives XXXVI/327 Cround View, Mahatma Candhi Road, Cochin-682011 and the workmen of the above concern represented by the General Secretary, All Kerala Pharmaceutical Employees Association, Bhakthi Vihar, Mullasseri Canal Road, Cochin-682011 received by Government on 2-4-1982 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Covernor,

P. Gomathy Amma,
Deputy Secretary.

In the Court of the Industrial Tribunal, Alleppey

Dated this the 4th day of March 1982

Present:

Shri K. KANAKACHANDRAN B. SC. L. L. B.
Industrial Tribunal

INDUSTRIAL DISPUTE No. 46/82

Between:

(i) Narayanan & Co., Manufacturers' Representatives XXXVI/327 Cround View, Mahatma Gandhi Road, Cochin-682011 and (ii) The Partner, Narayanan & Co., Manufacturers' Representatives XXXVI/327 Cround View, Mahatma Gandhi Road, Cochin-682011

And

The workmen of the above concern represented by the General Secretary, All Kerala Pharmaceutical Employees Association, Bhakthi Vihar, Mullasseri Canal Road, Cochin-682011

Representations:

Sri. M. V. Joseph, Advocate, Ernakulam. — For *Management*

M/s. K. Balachandran & M. Jayakumar, Advocates Ernakulam — For *Workmen*

AWARD

1. The above Industrial Dispute between M/s. Narayanan &Co., Cochin and their workmen was referred to the Industrial Tribunal, Calicut for adjudication by G. O. (Rt) No. 1058/81/LBR dated 19-8-1981. During the pendency of the above dispute before the Industrial Tribunal, Calicut (I. D. No. 33/81), on the basis of the Government Order G. O. MS/102/81/ LBR dated 23-11-1981, the files relating to this dispute were transferred to this Tribunal for adjudication. Hence the Industrial Dispute was renumbered as I. D. 46/82 before this Tribunal.

2. The issue referred was the retrenchment of the following workmen viz., (1) Sri M. T. Gangadharan, Clerk (2) Sri K. Unnikrishnan, Clerk (3) Smt. P. Lalithambika, Steno-typist (4) Smt. P. R. Parvathi, Receptionist (5) Sri N. O. George, Peon. The above said workmen were retrenched with effect from 31-1-1981.

3. On 30-1-1982 when this I. D. was posted for filing claim statemen counsels appearing for both sides submitted that the matter would be settled out of Court and for that some time may be granted. Accordingly the case was adjourned and on 4-3-1982 a memorandum of settlement duly signed by both parties was submitted before this Court. The settlement was signed by Sri Vijayakumar on behalf of the Management and Sri S. Krishna Moorthy, General Secretary, All Kerala Pharmaceutical Employees Association, Cochin-11 on behalf of the workmen. The memorandum of settlement dated 21-9-1981 is appended with this award as Annexure-A.

4. By the above settlement the issue referred for adjudication was settled between parties and therefore no Industrial Dispute is existing.

Award is passed accordingly in terms of settlement Annexure-A.

K. Kanakachandran,
Industrial Tribunal.

ANNEXURE

Form H

MEMORANDUM OF SETTLEMENT

Name of Parties:—

1. M/s Narayanan & Co., M. G. Road, Ernakulam represented by its partner Mr. Vijaya Kumar and their workmen represented by Sri S. Krishna Moorthy, General Secretary, All Kerala Pharmaceutical Employees Association, Mullassery Canal Road, Cochin-11.

SHORT RECITAL OF THE CASE

An industrial dispute arose between the parties consequent on the retrenchment of five workmen from 1-2-1982, onwards. As conciliation talks failed, the dispute was referred by the Government of Kerala to the Industrial Tribunal, Calicut and it is pending adjudication as I. D. No. 83 of 81.

In the meanwhile the parties again met for a amicable settlement at the instance of Sri M. Ibrahim, President of the Ernakulam Chamber of Gommerce and Mr. K. G. Vadyar, Managing Committee Member, Ernakulam Merchant's Union on 21st September 1982 and after protracted discussion, the matter has been amicably settled on the following terms.

1. Terms of Settlement

The employer agrees to reinstate Smt. Lalithambika on 1-10-1981 without break of service. She will not be eligible for wages for the period from 1-2-1981. She will have continuity of service. 2. Employer agreed to reinstate Smt. P. R. Parvathy on 15th October 1981 without break of service. But she will not be eligible for wages for the period from 1-2-1981 till the date of reinstatement. 3. Employer agrees to reinstate Sri M. T. Gangadharan from 15th November 1981 onwards. He will have continuity of service but without back wages.

It is further agreed that the employer will reinstate M/s Unnikrishnan and N. O. George as soon as normalcy in business is restored. They too will have continuity of service. In order to review the situation and to decide the date of their reinstatement the parties will meet in the 3rd week of November 1981 in the presence of the officials of the Ernakulam Chamber of Commerce, Ernakulam Merchants Union and appropriate decisions will be taken.

The parties agree to file a compromise petition before the Industrial Tribunal, Galicut for an award on the Industrial Dispute pending before it in terms of this settlement.

The employer agrees not to proceed with the Criminal cases, if any, pending before the police or in the court against the employees. The Union agrees to withdraw the strike with immediate effect.

Dated this the 21st day of September 1981.

Signature of the parties:—

Witness:—

1. (Sd.)	1. (Sd.)
2. (Sd.)	2. (Sd.)

Copies to:—1. Conciliation Officer, (District Labour Officer, Alwaye)

2. State Labour Commissioner, Trivandrum.

3. Secretary to Labour, Government of Kerala, Trivandrum.

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 279/82/LBR. *Dated, Trivandrum, 19th March 1982.*

The award of the Labour Court, Ernakulam in respect of the dispute between the Administrator, Vatanappally Service Co-operative Society Ltd. No. F. 211, P. O. Thrithallur, Trichur District and the workman of the above establishment Shri M. K. Surendran, S/o Meledath Kumaran, Vatanappilly, P. O. Thrithallur, Trichur District received by Government on 12-3-1982 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,

P. Gomathy Amma,
Deputy Secretary.

In the Labour Court, Ernakulam

Dated this the 8th day of March, 1982

Present:

Shri N. SUKUMARAN, B. SC., B. L.,
Presiding Officer

In

INDUSTRIAL DISPUTE No. 37 OF 1979
(Old No. I. D. 186 of 1976)

Between

The Administrator, Vatanappally Service Co-operative Society Ltd. No. F. 211, P. O. Thrithallur, Trichur District

And

The workman of the above establishment Shri M. K. Surendran, S/o Meledath Kumaran, Vatanappilly, P. O. Thrithallur, Trichur District.

Representations :—

Shri M. Venugopalan,
Advocate, Trichur. .. For *Management*

Shri P. Balakrishnan,
Advocate, Trichur. .. For *Workman*

AWARD

Dismissal of Shri M. K. Surendran while he was the Secretary of the Management Society is the issue referred for adjudication by Government as per G. O. (Rt.) No. 1611/76/LBR· dated 17-12-1976. The reference was to the Calicut Labour Court where it was pending when this Court was established. A transfer became necessary due to change in the territorial jurisdiction and that is how the case came up before this Court and re-filed in the present number.

2. The Management Society (hereinafter referred to as the Society) was being managed by an Administrator appointed for that purpose from 24-1-1975. The Assistant Registrar under whose control this Society was functioning inspected it on 15-3-1975. Then it was noticed that there was a deficiency in actual cash to the tune of Rs. 4,294.59. The Secretary, who was the custodian of the cash, was suspended on the same day and he was asked to hand over charge to another employee. When the cash was actually handed over there was a shortage of Rs. 4,309.87. Further verifications revealed that there were various other irregularities in the accounts and other transactions. So a charge containing as many as 8 items of misconduct was framed on 9-6-1975. Copy of that charge is Ext. M1(a) containing in Ext. M1 file. It is alleged by the Society that the original charge was served on Shri Surendran by registered post. But Shri Surendran has a case that what was received by him in a registered cover contained only blank letter heads of the Society. He did not submit any proper explanation as was required. So a domestic enquiry was ordered. MW1, Shri Palu, was appointed as the Enquiry Officer. Shri Surendran appeared before the Enquiry Officer as per the notice issued to him and complained that he was not served with any charge but only blank papers were given to him. The Enquiry Officer thereupon furnished copy of the charge on Shri Surendran and proceeded with the enquiry. The Enquiry Officer gave his finding that Shri Surendran is guilty of the charges. It was accepting those findings that the Society dismissed Shri Surendran.

3. Shri Surendran in his claim statement while pleading innocence of the allegations against him contends that the Administrator had some special grudge against him and therefore a case was foisted against him without any reasonable basis. But he admits that there was a deficiency in the cash balance and that it occurred only because certain expenses met by him for defending certain cases against the Society concerning its ration shop were kept in suspense account as directed by the President and that when that expense is also debited in the accounts there will not be deficiency in any cash balance. He had presented necessary vouchers concerning that expense before the Administrator. But the Administrator directed him to remit the cash balance and claim refund after the vouchers are properly admitted. So he remitted Rs. 4,309.87 on 3-4-1975 and claimed refund of the same. But that claim was not allowed. The other charges are also unsusainable. There was no proper and valid domestic enquiry. He who is innocent is liable to be reinstated with all benefits.

4. The Society in its written statement contends that Shri Surendran was guilty of grave acts of misconduct including misappropriation of large amounts and that the misconducts were very well established in a properly conducted domestic enquiry. According to the Society the misconducts deserve the punishment of dismissal awarded and there are no reasons for interference.

5. A rejoinder is also filed by Shri Surendran wherein the contentions are refuted and the allegations in the claim statement reaffirmed.

6. The validity of the domestic enquiry was tried by me as a preliminary issue. The Officer who conducted the domestic enquiry was examined as MW1. The file containing the papers concerning the domestic enquiry was marked as Ext. M1 through him. Arguments were heard and the preliminary issue was disposed of by me as per my order dated 4-6-1980, copy of which is appended to this award as an "Annexure". I have held therein that there was no proper domestic enquiry. The Society had already pleaded in its written statement that it may be premitted to adduce fresh evidence before this Court on the charges in case it is found that there was no proper domestic enquiry. The Management, therefore, was permitted to attempt to establish the charges before this Court by fresh evidence.

7. Availing of the above opportunity the Society examined MWs 2 to 6 and proved Exts. M2 to M35. The workman examined himself as WW1. Another witness is also examined on his side as WW2. The exhibits produced and proved by him are Exts. W1 to W7.

8. The point arising for consideration is as to whether Shri Surendran is guilty of the charges. I shall proceed to consider those charges on the available material in evidence.

9. The first charge relates to the shortage in cash that was noticed by the Assistant Registrar at the time of his inspection on 15-3-1975. As already metioned Shri Surendran did not file any proper explanation to the charges at any stage of the disciplinary proceedings. But he had filed an explanation on 14-6-1975 which also is contained in Ext. M1. That was not marked at the trial. I am marking the same as Ext. M1 (b) for reference. There he had said that he had submitted the relevant vouchers before MW4, the Administrator, on 3-4-1975 when he remitted the difference in cash and that the amount was not refunded to him as was earlier promised. It was not mentioned therein as to how and why such a suspense account was kept. But the present explanation is that that much amount was spent for defending six cases against the Society initiated by the Civil Supplies Department. Ext. M22 series three in number are the stay orders obtained in connection with those cases from the Board of Revenue on 29-3-1974. The stand taken by Shri Surendran is that amounts were pent in connection with that case as orally directed by the President and suspense account was also maintained as per the instructions of the President. The question is as to whether this explanation is acceptable.

10. As already mentioned reference is made to this shortage in cash in Ext. M1 (b). The present explanation does not find a place there. Why it was not so stated therein is not explained. This by itself is a circumstance which requires stricter scrutiny of the evidence on the claim. The claim statement filed by the workman also does not contain this explanation. The same is the position regarding the rejoinder. The details are introduced for the first time when Shri Surendran is examined before Court as WW1. There he has categorically stated that himself and the President had to go to Trivandrum in connection with Ext. M22 cases thirty or thirtyfive times for which substantial amounts had to be spent and a separate suspense account was kept for that purpose without debiting the expenditure in the regular accounts as instructed by the President to be consolidated and debited conveniently at a subsequent stage. At page 9 of his deposition he states that no part of the expenditure incurred in connection with the cases was entered in the day book and ledger. That is in the earlier part of the cross-examination. But when further cross-examined with reference to Ext. M8 Day Book for the period 8-2-1974 to 30-6-1974 he had to admit that expenses in connection with those cases were already entered in it. Page 76 of Ext. M8 marked as Ext. M8 (a) contains an entry to the effect that Rs. 1,000 was advanced to Shri Surendran to meet the expenses in connection with Ext. M22 cases. Page 71 of the same book which is Ext. M8 (b) contains another advance of Rs. 550 for the same purpose. It is admitted by Shri Surendran that he had received those advances for the expenses in connection with the cases. So it is evident that his contention that the expenses for the cases were not booked in the regular accounts and that a separate suspense account was maintained for such expenses cannot be believed as true. He had no explanation when questioned as to why similar entries were not made for the shortage also. Much reliance is placed on Ext. W1 judgement of the Criminal Court wherein Shri Surendran was acquitted of the charge of misappropriation of this identical amount to argue for the position that there was no misappropriation at all. It is seen from Ext. W1 that the Advocate who was engaged to defend the cases before the Board of Revenue had also given evidence that substantial amounts were incurred as expenses for the cases. But the standard of proof required in a prosecution before a Criminal Court need not be insisted in adjudications like this. It is well settled that the acquittal on a charge by a criminal court is no bar for considering the same item as a misconduct in a disciplinary proceedings. So Ext. W1 cannot come to the rescue of Shri Surendran. The then President is no more and therefore his evidence cannot now be secured to speak for or against the contentions advanced by Shri Surendran.

11. This is a case where there was actually shortage in cash. Admittedly Shri Surendran was responsible to account for the cash balance. He is seen to have remitted the deficiency at a subsequent stage. What is stated by him in his evidence is that he borrowed that much money to make the remittance on the understanding and belief that it will be refunded to

him on production of satisfactory vouchers. His case is that vouchers were also produced along with the remittance. The Administrator before whom the remittance was made when examined as MW4 categorically denies the allegation that there was an understanding to refund the money on production of vouchers. The claim that vouchers were produced is also denied by him. We have to remember that Shri Surendran's case is that the Administrator had a special grudge against him. If that be so Shri Surendran normally would not have produced the vouchers before the Administrator without getting proper acknowledgement for those records from the Administrator. Shri Surendran had admitted that he did not receive any written acknowledgement from the Administrator when the vouchers were produced. If as a matter of fact the vouchers were available for production then there was no necessity or occasion for Surendran to borrow money and make the remittance to get a refund soon after. In the ordinary course of human conduct a person placed in the circumstances would have produced the vouchers and satisfied the authorities that he need not make any remittance. The fact that he took pains to borrow money and make the remittance is a circumstance to think that he had no valid defence regarding the shortage in cash. It is evident that the present story is invented subsequently for the purpose of a defence when there is actually none available. So the explanation put forward by Shri Surendran regarding the shortage cannot be accepted. Then the position is that he had misappropriated the shortage in cash. So he is guilty of item No. 1 of the charge.

12. The second item of the charge is that a sum of Rs. 2,000 was debited in the accounts on 14-3-1975 as a payment made to one Balan towards the building account and later it was tampered to make it an expense towards the S. B. account when as a matter of fact no such expense under either of the two items was incurred and that much amount was misappropriated. For this also explanations are coming forward for the first time at the stage of evidence. The explanation is that the Director Board of the Society had decided in its meeting dated 5-7-1974 to have an additional room to the Society's Office building at a cost not exceeding Rs. 2,600 and one Balan, a carpenter, was given the contract of that construction and the amount in question was paid to Shri Balan under that transaction. Ext. M23 is the minutes book for the relevant period and the concerned decision is Ext. M23 (a) appearing at page 195 of the book. WW2, who was one of the members of the then Director Board, has given evidence in support of Shri Surendran's claim that Shri Balan was given a contract for the construction and the work was undertaken and finished. WW1 has also given evidence in the same lines. There is actually no evidence to the contra. MW4 pleads ignorance of such a construction. Ext. M23 (a) decision is prior to the date on which MW4 took charge as the Administrator. Ext. M7 is the voucher alleged to have been issued by Shri Balan regarding this payment of Rs. 2,000. The evidence available indicates that that is an expenditure incurred for the construction. But the Society suspected the bonafides of this transaction on account of certian

correction in the entries in the cash book relating to this transaction Page 189 of Ext. M4 cash book marked as Ext. M4 (c) contains the relevant debit. The details of the entry was as it originally stood "Building account paid to Balan". The letters of the wording "Building" except B are seen scored and the entry as it appears is SB account paid to Balan. The argument for the Society is that the details were so manipulated as to make it appear that the payment was towards the Savings Bank account of the banking business carried on by the Society so as to evade attention of that item as an expenditure requiring explanation. According to the Society the capital letter "S" is also a later addition. The explanation of Shri Surendran is that the extension to the building was on its southern block and SB as it now appears is the abbreviation for Southern Block and the correction was innocently made. The said Mr. Balan was also having a Savings Bank account with the Bank of the Society. Ext. M6 (a) is the relevant page of the Savings Bank deposit account concerning Shri Balan in Ext. M6 book. Ext. M6 (a) is relied on by the Society to show that no payment in S. B. account of Shri Balan was made. But Shri Surendran that no case hat anything was paid in the S. B. account on that day to Shri Balan as his case is that the payment related to the building construction account. As already remarked there was an authorised construction and a proper voucher. When viewed in this background the correction in Ext. M4 (c) does not require serious attention.

13. The Society has a further case regarding this charge that the expenditure was incurred without the sanction of the Administrator. Admittedly there was no sanction of the Administrator. The defence is that the expenditure was incurred as there was already a decision of the Board to do so. But normally the Administrator should have been told of the payment when it was effected. The failure is an irregularity. But it does not amount to misappropriation as it was a genuine payment. So there is no misappropriation. I acquit Shri Surendran of item No. 2 of the charge.

14. The gist of item No. 3 of the charge is that receipt book volume No. 20 containing serial numbers 1901 to 2000 was not put to official use when volume No. 19 was exhausted and volume No. 21 was used in continuation and that Volume No. 20 was utilised for unauthorised use and misappropriation of amounts by Shri Surendran. It is specifically alleged that receipt No. 1933 out of Volume No. 20 was issued to a member No. 980 Shri Sekharan on 7-1-1975 to make a collection of Rs. 100 without entering the same in the account. It is alleged that at least receipt numbers up to 1933 out of Volume No. 20 receipt book must have been utilised for such unauthorised transactions. It is noticed that no receipt out of receipt book No. 21 is seen entered in the accounts. Receipt No. 1933 alleged to have been issued to Shri Sekharan is Ext. M10. There is no corresponding entry in Ext. M4 account for the day and the page for that day is Ext. M4 (d) (140 of Ext. M4). Shri Sekharan is not examined in the case. The Society claims that Shri Sekharan had presented that receipt with a complaint before it. Shri Surendran denies having issued Ext. M10

receipt. The only oral evidence regarding that receipt is the testimony MW4 who states that Ext. M10 contains the signature of Shri Surendran. That claim is emphatically denied by Shri Surendran in his evidence. In the nature of the rival contentions regarding this charge Shri Sekharan was the most appropriate person to give evidence that he had made the payment and obtained the receipt from Shri Surendran. That evidence is absent and it is not safe in the circumstances to hold that Ext. M10 was issued for making a collection by Shri Surendran. But the fact remains that Volume No. 20 receipt book was not accounted. Shri Surendran who was the custodian of the records should have handed over that receipt book also when he handed over charge after his suspension. The failure to account for that receipt book is an irregularity and to that extent a misconduct can be said to have been established against Shri Surendran. I limit the misconduct as proved only to that extent.

15. Item Nos. 4 and 8 of the charge can be considered together as both fall under the same category and couched in vague language without stating any specific cases. Item No. 4 states that Shri Surendran was unfaithful to the members of the Society and the Society itself right from the begining when he joined the services of the Society in 1962 and that he had misappropriated various amounts by duping the members. Item No. 8 states that the Administrator has a prima facie case of Surendran having committed several irregularities. Details are attempted to be proved through MWs. 2, 3, 5 and 6 and certain documents proved by them. MW2 Shri Mohammed is a member of the Society. He had a S. B. account with the Society's Bank. Ext M2. (a) is the pass book issued to him. Ext. M2(b) is the cheque book that was issued to him on that account. Ext. M2 is the copy of his ledger account. The entries in Exts in M2 and M2 (a) do not tally in certain cases. What is sworn to by MW2 is that the real transactions are recorded in Ext. M2 (a) and the variations in Ext. M2 are not correct. There is a deposit of Rs. 1500 on 30-6-1972 as per Ext. M2 (a). There is no corresponding entry in Ext. M2. MW2 states that he had actually made the deposit. WW1 Shri Surendran admits having initialled the corresponding entry in Ext. M2 (a). So the fact of that deposit has also to be admitted. The absence of a corresponding entry in the Bank's account indicates that it was not booked in the Bank. That there is that irregularity is admitted by Shri Surendran. But his defence is that the Cashier used to make the collections and the necessary entries in the accounts and the pass book and the defalcation if any must have been done by the Cashier. But Shri Surendran had a responsibility to verify the Deposit Register when he initialled the pass book. So he cannot now plead innocence of the transaction. Even MW2 does not say that he had entrusted the money to Shri Surendran. Admittedly there was a Cashier and normally the Cashier must have accepted the money. There is no concrete evidence as to who had misappropriated the amount. But Shri Surendran's ultimate responsibility as the Secretary to safeguard the interest of the customer and the Society had not been discharged by him. To that extent he must be held liable for the deposit of Rs. 1,500 made by MW2 on 30-6-1972.

16. Another controversy is regarding a deposit of Rs. 1,000 appearing in Ext. M2 on 12-7-1972. There is no corresponding entry in Ext. M2 (a). The contention of the Society is that Rs. 1,000 out of the deposit that should have been entered in the accounts of 30-6-1972 was made on 12-7-1972. It is seen from Ext. M2 (a) that MW2 had presented a cheque for Rs. 1890.91 on 12-7-1972 for collection. It is evident from Ext. M2 that there was no balance to his credit on that day to honour that cheque. In all probability Rs. 1,000 was deposited on that day by someone in order to make available sufficient balance to honour that cheque. Who made the deposit is not in evidence. According to Shri Surendran the Cashier must have done that. But here again Shri Surendran cannot absolve himself from the responsibility as he is not seen to have noted the defect in Ext. M2 (a). Even though there is no evidence that he was a party to the misappropriation it can safely be held that he was not exercising proper control and supervision. So all that could be said on the complaints and the evidence of MW2 is that Shri Surendran because of his lack of supervision and proper control gave room for defalcation.

17. MW3 is another member of the Society. He admittedly had availed a loan of Rs. 2,000 from the Society in June 1972. He states that he had remitted Rs. 1161 towards the loan in June 1973. According to him the payment was made to Shri Surendran for which a receipt was issued by him. But credit was given only for Rs. 166 in the accounts. The case is that Shri Surendran misappropriated the balance. There was an arbitration case for realisation of the balance amount that was due from MW3. In that case Shri Surendran was also impleaded as a defendant. Ext. M3 is the award in that case. Shri Surendran, the 2nd defendant, was directed to pay Rs. 995 and interest thereon to the Society in Ext. M3. The receipt issued to MW3 by Shri Surendran is said to have been produced in that case. Ext. M3 gives sufficient corroboration of the evidence of MW3. Shri Surendran has no satisfactory explanation regarding this deal. So he is guilty of misappropriation of Rs. 995.

18. MW5 Shri Abdulkhader is another member of the Society. He too had a S. B. account with the Society's Bank. Ext. M16 series are the cheques issued by him towards that account. Ext. M17 is his pass book. Ext. M18 is the cheque book which contains the counter-foils of used cheques. Ext. M18 (a) counter-foil shows that a cheque for Rs. 1,000 was issued. The cheque number is 2086 dated 11-11-1974. The corresponding original cheque is Ext. M16. That shows the amount in words and figures as Rs. 4,000. The debit in Ext M17 pass book is only Rs. 1,000. What is stated by MW5 is that he had entrusted Ext. M16 cheque under his signature to Shri Surendran because he was in a hurry to go entering the amount in figure alone as 1000 and collected only that amount. He states further that the other particulars were entered in Ext. M16 by Shri Surendran. When cross-examined he said that he had seen Shri Surendran writing the amount in words in his own hand in Ext. M16. But he added that somebody else must have written if Shri Surendran was not there. This witness who states that he was in a hurry then could not

have seen as who wrote it. He was asked as to why he had left the cheque with Shri Surendran half filled when he is seen to have written all details in the counter-foil. To that he had no answer. He confessed when further questioned that Ext. M16 (b) cheque was written by Shri Karunakaran. Ext. M16 cheque was actually passed and relevant other entries made to make it appear that Rs. 4,000 was paid. As in the case of MW2 Shri Surendran in the nature of evidence cannot be held responsible for the misappropriation. But here also his responsibility exists as in the earlier cases.

19. MW6 has another sort of complaint. The Society filed Arbitration Case ARC 1821/76 for realisation of a sum of Rs. 260 and interest there on from him on the allegation that he had availed of a short term loan of that amount. He took up the stand that he did not take such a loan. The bond in support of the loan is Ext. M21. Shri Surendran was also made a defendant in that case. It ended in Ext. M20 award where Shri Surendran was found responsible for the amount. The bond Ext. M21 admittedly was written by Shri Surendran. MW6 denies the genuineness of the signature in it. The testimony of MW6 can be accepted in view of the findings in Ext. M20 which has become final. Therefore Shri Surendran is responsible for misappropriation of that much amount.

20. From what has been stated above it is clear that Shri Surendran had committed misappropriation as complained by MWS3 and 6. I hold that he is guilty of misappropriation to that extent. I further find under these two items of charges that Shri Surendran was not efficiently and properly discharging his duties as the Chief Executive in regard to the Bank transaction which resulted in the complaints made by MWS 2 and 5.

21. Item No. 5 of the charge is that 25 bonds concerning the loans sanctioned by the Society were not handed over by Shri Surendran when he handed over charge on his suspension. Exts. M28 to M35 are the charge lists. It is admitted that the 25 bonds in question were not given when the charge was handed over. Shri Surendran has a case that he had given those bonds later. There is no record in support of the same. The claim that the bonds of which reference is made in the charge list were later handed over without any record cannot be accepted as true. So this charge is also established.

22. Item No. 6 of the charge that Shri Surendran collected certain amounts on 23-7-1974 from member No. 1042 Shri Raman is not established by any evidence. Same is the case with item No. 7 of the charge where it is said that an irregularity was committed in the case of sanctioning a loan to another member Shri Krishnan. So I hold that the misconducts alleged in items Nos. 6 and 7 of the charge are not established.

23. Now the question remaining for consideration is as to whether Shri Surendran is entitled to any relief in the matter of punishment by invoking the discretion vested in this Court as per Section 11-A of the Industrial Disputes Act. My answer is an emphatic no. Shri Surendran is seen to have committed misappropriation of various amounts. The

amount involved is substantial. There are other irregularities also. In these state of affairs he deserves the maximum punishment of dismissal. The dismissal is hereby confirmed. In the result an award is passed confirming the dismissal of Shri M. K. Surendran.

Ernakulam,
8-3-1982.

N. SUKUMARAN,
Presiding Officer.

Annexure

In the Labour Court, Ernakulam

Dated this the 4th day of June, 1980

Present :

SHRI N. SUKUMARAN, B. SC., B. L.,

Presiding Officer

In

INDUSTRIAL DISPUTE No. 37 of 1979
(Old No. I. D. 186 of 1976)

Between

The Administrator, Vatanappally Service Co-operative Society Ltd. No. F. 211, P. O. Thrithallur, Trichur District.

And

The workman of the above establishment Shri M. K. Surendran, S/o Meledath Kumaran, Vatanappilly, P. O. Thrithallur, Trichur District.

Representations :

Shri M. Venugopalan,
Advocate, Trichur — For *Management.*

Shri P. Balakrishnan,
Advocate, Trichur. — For *Workman.*

ORDER

Shri M. K. Surendran while acting as the Secretary of the Vatanappally Service Co-operative Society was dismissed on charges of certain misconducts. The dismissal was after a domestic enquiry held by MW1, retired Deputy Registrar of Co-operative Societies. One contention of the employee is that he was not given sufficient opportunities to explain his innocence or to defend himself. According to him the Management did not serve a copy of the charges on him. A cover addressed to him under the guise that it is a charge contained only blank papers. So he could not properly explain his position. This fact was brought to the notice of the enquiry officer and the enquiry officer gave him a copy of the charge. But no time was given to file a proper explanation. The enquiry officer straight away proceeded with the enquiry without giving him the list of witnesses

and documents that were proposed to be examined and filed. He requested the enquiry officer to supply him with the necessary details regarding the witnesses and the documents. The enquiry officer directed the Management to furnish those particulars. Even then the Management did not do so. In these background he could not cross-examine the witnesses properly. He was also not given sufficient opportunity to cross-examine them. The enquiry, therefore, is vitiated.

2. In view of the above contentions the validity of the domestic enquiry was tried as a preliminary issue in which the Management examined the enquiry officer as MW1 and proved Ext. M1 the file containing the enquiry papers.

3. It is admitted by MW1 that the workman complained to him in the very beginning that he was not served with a proper copy of the charges and that therefore a copy was furnished by him. It is further admitted by MW1 that the workman insisted for the details regarding the witnesses and the documents before the enquiry is started and that he issued instructions to the Management to supply the necessary data. According to MW1 the directions were not complied to his knowledge. He states that there are no records in Ext. M1 file from which it could be said that those details were furnished. The workman admittedly participated in the enquiry. He cross-examined some of the witnesses and stated that he has no cross-examination for the present of the other witnesses. The argument now is that the other witnesses were not cross-examined because their details and the documents relied on by the Management were not revealed earlier. The claim of the affected workman for advance information regarding the witnesses and documents is legitimate and the denial of the same is a real denial of an opportunity for a proper defence. This circumstance alone is sufficient, according to me, to characterise the domestic enquiry as one in violation of principles of natural justice. Hence I find that the enquiry was not proper. In the result it is hereby ordered that the enquiry conducted is not proper. It needs hardly be mentioned that the Management will be at liberty to adduce evidence on the charges before this Court if so advised.

Dictated to the Confidential Assistant, transcribed and typed out by him, corrected by me and declared in open Court on this the 4th day of June, 1980.

N. SUKUMARAN,
Presiding Officer.

Appendix

Witnesses examined on the worker's side :

WW1. Shri Surendran.
WW2. ,, Bhaskaran Nair, K.

Witnesses examined on the Management's side :

MW1. Shri Palu
MW2. ,, Kunjimon Alias Mohammed.
MW3. ,, Anandan.
MW4. ,, P. S. Vivekanandan.
MW5. ,, Abdulkhader.
MW6. ,, Muhayidheen.

Exhibits marked on the Worker's side:

Ext. W1. Certified copy of the Sub Divisional Judicial Magistrate's Court Judgement in C. C. 402/76.
,, W2. Suspension order dated 15-3-1975 issued to Sri Surendran.
,, W3. Charge sheet dated 9-6-1975 issued to Sri Surendran.
,, W4. Show cause notice dated 17-2-1976 asking Sri Surendran to show cause why he should not be dismissed.
,, W5. Copy of explanation submitted by Sri Surendran dated 24-2-1976.
,, W5(a). A postal acknowledgement signed by the Administrator dated 1-3-1976.
,, W6. Dismissal order dated 1-3-1976 issued to Sri Surendran.
,, W7. Extract from the Chitty loan ledger regarding Sri Phalgunan.
,, W7(a). Extract from the chitty loan ledger regarding Sri Phes.
,, W7(b). do. C. H. Aboobacker Haji.
,, W7(c). do. Sri Mohanan.
,, W7(d). do. Sri Dharmapalan.
,, W7(e). do. Sri Mohammedali Musaliar.
,, W7(f). do. Sri Raman.
,, W7(g). do. Sri Sekharan.
,, W7(h). do. Sri Velappan.
,, W7(i). do. Smt. Kunjippathumma.
,, W7(j). do. Sri Govindan.
,, W7(k). do. Sri Chathunni.
,, W7(l). do. Sri Kittan.
,, W7(m). do. Sri Abdul Latheef.

Exhibits marked on the Management's side :

Ext. M1. Enquiry file.
,, M1(a). Copy of charge dated 9-6-1975.
,, M1(b) Explanation of Sri Surendran dated 14-6-1975.
Ext. M2. Copy of savings deposit ledger sheet in respect of Shri Kunji on.
,, M2(a). Savings Bank Deposit pass book of Shri Mohammed.
,, M2(b). Partly used cheque book of the Society (Nos. 1421 to 1430)
,, M3. Copy of the order of the Assistant Registrar, (General Chavakkad in A. R. C. 1095/76 dated 30-5-1978.
,, M4. Cash chitta from 1-7-1974 to 26-5-1975.
,, M4(a). Page 190 of Ext. M4.

Ext. M4(b). Page 205 of Ext. M4.
,, M4(c). Page 189 of Ext. M4.
,, M4(d). Page 140 of Ext. M4.
,, M5. Duplicate copy of bill book from 2?-3-1975 to 8-4-1975.
,, M6. Current savings deposit book.
,, M6(a). Page 14 of Ext. M6.
,, M7. Voucher for Rs. 2,000 dated 14-3-1975 executed by Sri I. S. Balan.
,, M8. Day book of the society from 8-2-1974 to 30-6-1974.
,, M8(a). Page 76 of Ext. M8.
,, M8(b). Page 71 of M8.
,, M9. Copy of bill book from 8-3-1974 to 30-3-1974.
,, M9(a). Copy of bill book from 30-3-1974 to 19-4-1974.
,, M10. A receipt issued by the society for Rs. 100 dated 7-1-1975.
,, M11. Liability Register, G. No 1176 to 1480.
,, M12. Minutes book from 14-2-1975.
,, M13. Savings deposit book.
,, M14. Savings deposit book.
,, M15. Loan book.
,, M16. A cheque for Rs. 4000 dated 11-11-1974.
,, M16(a). A cheque for Rs. 1700 dated 1-12-1972.
,, M16(b). A cheque for Rs. 300 dated 13-4-1975.
,, M16(c). A cheque for Rs. 23, 29 dated 10-5-1975.
,, M17. Savings account book of Sri A. M. Abdul Khader.
,, M18. Counterfoil of the cheque book (Nos. 2081 to 2090)
,, M18(a). Counterfoil of cheque No. 2086 dated 11-11-1974 for Rs. 1000.
,, M19. Bond executed by Sri Muhiyudheen.
,, M20. Award of the Assistant Registrar (General) Chavakkhad in A. R. C. No. 1821/1976-77 dated 27-11-1980.
,, M21. Bond executed by Muhiyaheen.
,, M22. Interim stay order dated 29-3-1974 issued from the Board of Revenue (Civil Supplies)
,, M22(a). Interim stay order dated 29-3-1974 issued from the Board of Revenue (Civil Supplies)
,, M22(b). Interim stay order dated 29-3-1974 issued from the Board of Revenue (Civil Supplies)
,, M23. Minutes book from 6-7-1979 to 28-1-1975
,, M23(a). Page No. 195 in Ext. M23
,, M23(b). Page No. 177 in Ext. M23.
,, M23(c). Page No. 187 n Ext. M 23.
,, M24. Award of the Assistant Registrar (General) Chavakkad in A. R. C. 1786/75-76.
,, M25. Award of the Assistant Registrar (General) Chavakkad in A. R. C. 299/1977-78.
,, M26. Award of the Assistant Registrar (General) Chavakkad in A. R. C. 1785/1975-76.

Ext .M27. Award of the Assistant Registrar (General) Chavakkad in A. R. C. 173/1977-78.

M28. A list of articles prepared when the charge was handed over on 5-4-1975.

M29. A list of articles prepared when the charge was handed over on 16-4-1975.

M30. A list of articles prepared when the charge was handed over on 5-4-1975.

M31. A list of articles prepared when the charge was handed over on 25-4-1975.

M32. A list of articles prepared when the charge was handed over on 24-4-1975.

,, M33. A list of articles prepared when the charge was handed over on 7-5-1975.

,, M34. A list of articles prepared when the charge was handed over on 10-5-1975.

,, M35. A list of articles prepared when the charge was handed over on 23-5-1974.

Kerala Gazette No. 22 dated 1st June 1982.
PART I

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 257/82/LBR. *Dated, Trivandrum, 15th March 1982.*

The award of the Labour Court Ernakulam in respect of the dispute between the Administrator, Muriyad Co-operative Society Limited, P. O., Muriyad, Trichur District and the workman of the above concern represented by Smt. K. Valsala, Kunduparambil House, P. O. Nellai, via Ponkothra, Trichur District received by Government on 12-3-1982 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
P. GOMATHY AMMA,
Deputy Secretary.

In the Labour Court, Ernakulam

Dated this the 6th day of March, 1982

Present:

SHRI N. Sukumaran, B. SC., B. L.
Presiding Officer

In

INDUSTRIAL DISPUTE No. 77 of 1979
(Old No. I. D. 71 of 1978)

Between:

The Administrator, Muriyad Co-operative Society Limited, P. O.
Muriyad, Trichur District

And

The workman of the above concern represented by Smt. K. Valsala, Kunduparambil House, P. O. Nellai, via Ponkothra, Trichur District.

Representations :

Shri M. Venugopalan,
Advocate, Trichur. : For *Management*.

Shri A. Venugopala Menon,
Advocate, Trichur-3. : For *Workman*.

AWARD

Dismissal of a Clerk by a Co-operative society is the issue referred for adjudication by Government as per G. O. (Rt.) No. 1228/78/L & H dated 1-8-1978.

II. The dismissal was after a domestic enquiry. The Management is defending its action by contending that the workman was found guilty of several acts amounting to grave misconducts in that domestic enquiry. The workman on the other hand while pleading innocence of the charges claims reinstatement with all benefits alleging that the enquiry was held ex-parte without giving her a chance to prove her innocence. The validity of the domestic enquiry was tried by me as a preliminary issue. I have held in my preliminary order dated 3-3-1982 that there was a valid and proper domestic enquiry and the findings given by the Enquiry Officer are correct. Necessary facts have been stated in that order which I shall here extract in full :—

"ORDER

Dismissal of Smt. K. Valsala by a Co-operative Society where she was working as a Clerk is what is involved in this reference. The Society issued a charge-sheet to this worker in August 1977. It contained the following charges :—

i. She was in charge of the Manure Depot of the Society and she left with the key of the depot even without taking leave or permission from the Secretary on the 7th and 8th of June 1977.
ii. The Manure Depot could not be operated on the 7th and 8th of June 1977 on account of her action.
iii. The sale proceeds of the manure on 6th of June 1977 were not remitted in time.
iv. Smt. Valsala when she was in charge of the kuri section did not enter the subscription made by Shri Karuppan Kesavan, a subscriber, in the receipt and cash books but entered the same in the ledger.
v. Correction in the kuri ledger concerning the above entries.
vi. Unauthorised entries in three "Variyolas" of kuries.
vii. Dereliction in duty in not having taken all the minutes of the kuries to the Sub Registrar's Office in July 1977.
viii. Payment of kuri amount to a subscriber on the 6th of July 1977 when as a matter of fact it should either have been paid or deposited in the Treasury the previous day.
ix. Remittance of only Rs. 305 instead of Rs. 305.60 in the Treasury towards a kuri transaction on the 8th of June 1977.

2. The employee filed her explanation pleading innocence. But that did not find favour with the Management. It ordered a domestic enquiry. An Advocate was appointed as the Enquiry Officer. Notice of the enquiry posted to 17-11-1977 sent to the delinquent was returned refused. Enquiry was therefore adjourned to 28-11-1977. A fresh notice was issued

regarding that posting. The delinquent wrote to the Enquiry Officer stating that she may be permitted to defend herself at the enquiry through a lawyer. She also requested that the Management should be directed to furnish her with a list of witnesses and documents that may be intended to be used against her. The enquiry was adjourned with notice to the workman to 23-12-1977 on which date she made her appearance and staged a walk out without participating in it. Thus the enquiry was held ex-parte. The Enquiry Officer gave his findings that the delinquent is guilty of the charges. It was accepting those findings that the punishment was awarded.

3. The employee in her claim statement contends that serious allegations involving complicated facts were involved and a prominent lawyer was appointed as the Enquiry Officer and so her request to have the assistance of a lawyer should have been accepted. It is further stated that other legitimate requests of the workman were not allowed and that is why she did not participate in the enquiry. It is pleaded that she may be permitted to substantiate her case before this Court.

4. The Management on the other hand contends in its written statement that the guilt of the employee was well established in a properly conducted domestic enquiry and the enquiry happened to be held ex-parte only because the delinquent purposely abstained from it. According to the Management the misconducts proved are serious enough to sustain the extreme penalty of dismissal and there are no grounds for interference.

5. The employee initially filed a rejoinder stating that detailed objections regarding the domestic enquiry will be stated only on perusal of the enquiry documents. The Management produced those documents and an additional rejoinder was filed stating that the ex-parte enquiry is not acceptable for any reasons.

6. This is a case where the employee was served with a detailed charge. The charges were self explanatory and the contends and the implications of the same were understood by her. That it is so is evident from the elaborate explanations filed by her. She had notice of the enquiry. There is no case that the Enquiry Officer was in any way biased. On the other hand it is admitted in the claim statement that a prominent lawyer was appointed as the Enquiry Officer. The employee who made her appearance at the first sitting of the Enquiry Officer did not care to participate in it. She simply staged a walk out. It is now argued that she left because her request for engaging a lawyer was not permitted. Assistance of lawyer at a domestic enquiry cannot be claimed as a matter of right. This employee is not an illiterate person. No complicated facts are involved as alleged. The statement of allegations contained in the charge relate to acts of omissions and commissions alleged to have been made and committed by the employee during the course of her employment. In these state of affairs it cannot be said that the circumstances warranted the assistance of a lawyer. What is argued is that that assistance should have been allowed when a prominent lawyer was conducting the enquiry.

There is no basis for this criticism. Suffice it to say that there was no justification for the employee to abstain from the enquiry. So the Enquiry Officer was perfectly right in proceeding with the enquiry in the absence of the employee. There is no procedural irregularity.

7. There is no complaint that the findings of the Enquiry Officer are perverse. On the other hand the contention is that a fool proof case was built up in the enquiry held in the absence of the employee. The evidence available at the enquiry shows that the charges are well founded. So the findings are also proper and correct.

8. In the result it is hereby found that the findings of the Enquiry Officer are correct and proper and they were rendered in a properly conducted domestic enquiry".

III. In view of the above finding the only question remaining for consideration and decision is as to whether the workman is entitled to any reliefs in the matter of punishment invoking the discretion vested in this Court by Section 11-A of the Industrial Disputes Act. The learned counsel appearing on behalf of the Management Society vehemently argued before me that no leniency in the matter of punishment is called for in view of the gravity of the misconducts proved. According to the learned counsel the workman was adopting a recalcitrant attitude against the interest of the Society and the reinstatement of the workman will affect its interest materially and substantially. On the other hand the learned Advocate for the workman pleaded before me that the misconducts established are trivial in nature and the workman has to be reinstated with some minor punishment. It is further argued by the learned Advocate that this employee is a widow with two children with no other means of livelihood and a sympathetic approach in the matter of punishment has to be made.

IV. This is a case where the employee is seen to have absented herself without leave when she was in charge of the manure depot. She had kept the key with her during that absence and the depot could not therefore be operated. It is not a case where the employee has a case that she was prevented due to circumstances beyond her control from entrusting the key to the Society for alternate arrangements during her absence. There are no justifiable reasons for adopting such an attitude. She was also not earnest in her work. It is said that the Society was fined because the relevant registers were not produced in time before the Registrar of Chitties and Kuries while she was in charge of the Kuri Section. There are various irregularities also in her work concerning Kuries. A Society requires earnest and enthusiastic employee for its proper functioning. The subsequent conduct of this workman during the stage of disciplinary proceedings also shows that she is not amenable to reason. The enquiry notice issued to her was returned refused. All these show that she is not a person fit for reinstatement. So reinstatement is out of question. But the pitiable plight in which she is placed is a circumstance for a sympathetic view and not to confirm the order of dismissal. A discharge with a direction to pay some amount by way of exgratia as reliefs alone is what is

possible in the circumstances. So I convert the dismissal into one of discharge. The Management is directed to pay her the benefits as though she was discharged instead of dismissed on the date on which the dismissal was intended to take effect. In addition the employee will be paid an ex-gratia amount of Rs. 2,500 (Rupees two thousand and five hundred). An award is passed accordingly.

V. This award shall come into force on the expiry of thirty days from the date of its publication in the Government Gazette.

Ernakulam,
6-3-1982

N. SUKUMARAN,
Presiding Officer.

Kerala Gazette No. 22 dated 1st June, 1982.
PART I

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O (Rt.) No. 249/82/LBR. *Dated, Trivandrum, 12th March 1982.*

The award of the Labour Court, Ernakulam in respect of the dispute between (1) Shri George Kuriakose, S/o Late Varkey Kuriakose, Edavelithara, Padinjarekara P. O., Vaikom and (2) Shri Thomas Mathew, Licensee of ARD 35, Elampasseril, Vaikom and the workman of the above concern Shri George P. Mathew, Pozhiyattu House, Vallakom, Padinjarekara P. O., Vaikom received by Government on 8-3-1982 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
P. GOMATHY AMMA,
Deputy Secretary.

In the Labour Court, Ernakulam

Dated this the 3rd day of March, 1982

Present:

SHRI N. SUKUMARAN, B. SC., B. L.,
Presiding Officer

In

INDUSTRIAL DISPUTE No. 245 of 1979
(Old No. I. D. 66 of 1978)

Between

(1) Shri George Kuriakose, S/o Late Varkey Kuriakose, Edavelithara, Padinjarekara P. O., Vaikom and (2) Shri Thomas Mathew, Licensee of ARD 35, Elampasseril, Vaikom.

And

The Workman of the above concern Shri George P. Mathew, Pozhiyattu House, Vallakom, Padinjarekara P. O., Vaikom.

Representations :—

Shri Joseph Mackil,
Advocate, Kottayam .. For *Management*

Shri Zacharia Koshy,
Advocate, Kottayam .. For *Workman*

AWARD

The issues referred for adjudication by Government as per G. O. (Rt.) No. 902/78/L&H dated 27-5-1978 are the following:—

"i. Denial of employment of George P. Mathew from ARD No. 35, Vallakom,

ii. Payment of arrears of wages."

The reference was to the Quilon Labour Court where it was taken on the file as I. D. 66 of 1978. The case was transferred to this Court with the change in the territorial jurisdiction and refiled in the present number.

II. The complaint of the employee is that he while serving as a Salesman in a ration shop owned and managed by Shri Varkey Kuriakose, father of employer No. 1 shown in the reference, continuously from 1957 was denied employment for no fault to him with effect from 11-8-1975. Shri George Kuriakose, the son of the deceased owner and Shri Thomas Mathew, the present licensee of the Ration Shop are said to be liable for reinstatement and other benefits due to the employee.

III. The Management is questioning the validity of the reference on various grounds. It is further contended that the workman was dismissed after a domestic enquiry wherein it was found that he was guilty of grave acts of misappropriation. There is also a case that the workman had voluntarily abandoned the employment with effect from 12-8-1975 when shortage in cash was detected.

IV. Certain preliminary questions were raised by both sides and they were disposed of by me as per my order dated 19-8-1981. I shall here extract that order so as to make it a part of this award and avoid repetition.

ORDER

The issues referred for adjudication by Government as per G. O. (Rt.) No. 902/78/L&H dated 27-5-1978 are the following:—

"1. Denial of employment of George P. Mathew from ARD No. 35, Vallakom (2) payment of arrears of wages."

2. The case advanced by the employee in his claim statement is as follows:—

He was employed as a Salesman in the ration shop belonging to Shri Varkey Kuriakose continuously from 1957 as a fulltime employee. He was denied employment by the employer with effect from 11-8-1975 without assigning any reasons. Thereupon he raised an industrial dispute before the District Labour Officer, Kottayam complaining of the illegal denial of employment. The Labour Officer convened conciliation conferences. At the stage of conciliation the employer terminated the services of this employee and applied for sanction under Sec. 33 (1) of the Industrial Disputes Act before the District Labour Officer, Kottayam. The District Labour Officer after contest declined to accord sanction for the termination. Thereupon the employer transferred the licence of the ration shop in the name of his son Shri George Kuriakose, who is shown as employer No. 1

in the reference. Shri George Kuriakose in turn effected a transfer in favour of Shri Thomas Mathew, who is shown as employer No. 2 in the reference. The original employer Varkey Kariakose is now no more. The employee is entitled to reinstatement with arrears in back wages.

3. Both the employers have filed a joint written statement contending as follows:—

Government is a necessary party as the ration shop belongs to the Government. The present employers were not parties before the District Labour Officer in the conciliation proceedings. However, the then employer had conducted a proper domestic enquiry in which it was found that this employee was guilty of grave acts of misconduct involving misappropriation of huge amounts. This finding was accepted by the employer and sanction for dismissal was sought for. It was refused by the Conciliation Officer. The refusal was illegal. The employee on detection of misappropriation had abandoned work with effect from 12-8-1975. So he is not entitled to any reliefs.

4. The employee has filed a replication wherein it is stated that the theory of misconduct was attributed without any bonafides when there was no acceptable defence at the conciliation stage. It was intended to cover up the illegal denial of employment. There was no proper domestic enquiry. Since the sanction applied for, for the dismissal was refused it is not open to the Management to rely on the desciplinary proceedings initiated. The workman, therefore, is enetitled to the reliefs claimed.

5. The Management had produced a file alleged to be the documents concerning a domestic enquiry held exparte into the misconducts attributed to the employee. They want to rely on the domestic enquiry in support of its action. But it is the admitted case that the domestic enquiry was conducted when conciliation proceedings were in progress and therefore it became necessary to obtain the prior sanction of the Conciliation Officer to effect the dismissal. Sanction sought for was rejected. That order has become final. These are admitted facts. Then the position is that there was no dismissal. So the disciplinary proceedings have not affected the position of the employee as a worker of the establishment. Hence the Management cannot now be permitted to rely on the disciplinary proceedings and the domestic enquiry. So the request of the Management to permit them to prove the domestic enquiry papers and show on a preliminary basis that there was a proper enquiry cannot be allowed.

6. The workman wants reinstatement straight away for the reason that there was no proper sanction for dismissal. But the complaint of the workman is that there was a denial of employment culminating in the reference. The Management has an answer that there was a voluntary abandonment. So the question as to whether there was a denial or a voluntary abandonment is still open for adjudication. The case will proceed for consideration of that aspect. Ordered accordingly."

V. In view of the above finding the only dispute remaining for consideration is the issue that is referred by Government for adjudication. The main issue is as to whether there was a denial or a voluntary abandonment of employment. The oral evidence is limited to the testimony of the workman as WW1 and employer No. 1 as MW1. What is stated by MW1 is that Shri George P. Mathew was not an employee but conducting the shop in his own way as per certain agreed terms. To corroborate MW1 the Management relies on Ext. M1 (a) judgement in O. S. 245/75 filed by it before the Sub Court, Kottayam wherein the allegation that there was no employer-employee relationship between the parties was accepted and held that Shri George P. Mathew was not an employee but a person conducting the shop on the basis of a contract. But there is no such case for the Management in its written statement before me. There it is specifically admitted that Shri George P. Mathew was an employee. Accepting the position that he is an employee the Management is even seen to have initiated disciplinary proceedings and conducted a domestic enquiry. Sanction for the dismissal was also sought for invoking the provisions of the Industrial Disputes Act. So the testimony of MW1 and the finding in Ext. M1 (a) cannot come to the rescue of the Management. It is also the admitted case that Ext. M1 (a) is being challenged by the workman in a pending appeal.

VI. This is a case where the workman is seen to have raised a complaint before the Labour Officer immediately after the alleged denial. The Management is seen to have initiated disciplinary proceedings when the conciliation was pending. We have only the versions of the parties in support of the rival contentions. This is a case where the Management have different versions before the Civil Court and this Court regarding the status of the workman. In these state of affairs the contentions of the Management and the deposition of MW1 in its support have to be discarded in preference to the testimony of the workman. So I hold that there was no abandonment and there was in fact a denial.

VII. Now we are left with the relief to which the workman is entitled in the matter of punishment. Normally the workman is entitled to reinstatement. But this is a case where the ration shop is now owned and managed by the second employer in the premises belonging to the first employer. The original employer is no more. The person impleaded as the first employee in the case is one of the legal representatives of the deceased. The evidence is that the deceased has other legal representatives also. But the first employer is the elder son managing the other businesses of the deceased. In these state of affairs no reliefs can be granted against the second employer. So reinstatement cannot be ordered. The workman is to be paid adequate compensation by the first employer or to be realised from the assets of the deceased father of the first employer. Ext. W1, a certified extract from the register maintained by the Taluk Supply Officer, Vaikom, shows that the workman was working as a Salesman in this Ration Shop from 1957. WW1 has given evidence that his monthly salary was Rs. 200. He had worked for 18 years. He is now

46 years in age. Considering all these facts and circumstances I fix a compensation of Rs. 5,000 (Rupees five thousand) in full satisfaction of all the claims. An award is passed directing the first employer herein to pay that amount with interest thereon at the rate of twelve per cent from today to the employee. If payment is not made it has to be recovered from the assets of the deceased, Shri Varky Kuriakose, the father of the first employer.

VIII. This award shall come into force on the expiry of thirty days from the date of its publication in the Government Gazette.

(Camp) Trichur,
3-3-1982.

N. SUKUMARAN,
Presiding Officer.

Appendix

Witness examined on the Workman's side :

WW1 Shri.George P. Mathew.

Witness examined on the Management's side :

MW1 Shri George Kuriakose.

Exhibits marked on the Workman's side:

Ext. W1. Extract of the Taluk Supply Office Register showing the names of Salesman employed in the Authorised Retail Depots in Vaikom Taluk.

,, W2. Proceedings of the District Labour Officer, Kottayam dated 10-10-1976.

Exhibits marked on the Management's side :

Ext. M1. The file containing the papers concerning the enquiry against Shri George P. Mathew.

,, M1(a). Certified copy of the judgement in O. S. 245/75 of the Sub Court, Kottayam.

,, M2. Postal acknowledgement signed by Shri George P. Mathew on 26-9-1975.

,, M2(a). Do. do. on 15-9-1975.

M3. An Advocate Notice sent to Shri Varkey Kuriakose dated nil.

,, M3(a). Do. do. dated 1-10-1975.

,, M3(b). Postal acknowledgement signed by Shri George P. Kuriakose on 14-10-1975.

Kerala Gazette No. 22 dated 1st June 1982.
PART I

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 255/82/LBR. *Dated, Trivandrum, 15th March* 1982.

The award of the Labour Court, Ernakulam in respect of the dispute between the Manager, Pudukad Estate, Palappilly P. O. and their workmen represented by the General Secretary, Palappilly Rubber Estate Labour Congress, Palappilly P. O. received by Government on 8-3-1982 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
P. GOMATHY AMMA,
Deputy Secretary.

In the Labour Court, Ernakulam

Dated this the 4th day of March, 1982

Present

SHRI N. SUKUMARAN, B. SC., B.L.,

Presiding Officer

In

INDUSTRIAL DISPUTE No. 39 of 1981

Between

The Manager, Pudukad Estate, Palappilly P. O.

And

The workmen of the above concern represented by the General Secretary, Palappilly Rubber Estate Labour Congress, Palappilly P.O.

Representations:

Shri K. V. R. Shenoi,
Advocate,
M/s. Menon & Pai,
Advocates, Ernakulam. ... For *Management*.

Shri K. V. K. Panicker,
Trichur. .. For *Union*.

GA. 55/V.

AWARD

The issue referred by Government as per G. O. (Rt.) No. 651/81/LBR dated 20-5-1981 is "Suspension of Sri A. P. Rayankutty, Tapper".

2. The suspension by way of punishment was for four days. The correctness of the suspension is challenged by the Union and cancellation of the same is what is claimed in the charter of demands appended to the reference.

3. The Management contends in its written statement that this worker committed the misconduct of wilful insubordination or disobedience of a lawful and reasonable order of the Superior Officer by refusing to undertake the tapping work in field No. 1954 AV (19th Block) allotted to him on 12-6-1980 and field No. 1956 PB 86 (12th Block) allotted the next day and unauthorisedly tapping trees in another block and that misconduct was well established in a properly conducted domestic enquiry. It is further contended by the Management that the worker could have been dismissed in considering the gravity of the offence. But a lenient view was taken only because he was a first offender. There are no reasons, according to the Management, for interfering with the punishment.

4. The Union in the rejoinder while pleading innocence of the workman contends that Shri Rayankutty tapped only the rubber trees allotted to him for that purpose It is stated further that there was no proper or valid domestic enquiry.

5. The Management was prepared to examine the Enquiry Officer and prove the records connected with the enquiry and the disciplinary proceedings. Then the learned representative appearing on behalf of the Union said that the records produced by the Management represent a true and accurate account of the proceedings at the enquiry and therefore those papers can be marked on admission without the examination of the Enquiry Officer. So the Enquiry Officer was not examined by the Management. Exts. M1 to M4 were marked in evidence on the above admission. It was submitted by both sides that it is unnecessary to pass a preliminary order and that a composite award may be passed.

6. Ext. M1 is the first memo dated 12-6-1980 issued to Shri Rayankutty by the Management regarding the alleged disobedience on 12-6-1980. His reply is Ext. M2. That is dated 13-6-1980. Therein it is categorically admitted that Shri Rayankutty was directed by his Superior Officer, the Writer, on 12-6-1980 not to tap in the field in which he was working upto that time and to do work instead in a new block allotted to him. The stand taken up by him in Ext. M2 is that the reallocation was done overlooking his seniority and disregarding the practice of giving fields with higher yield to senior hands. But the contention before me is that there was no direction at all for a shift from one field to the other. At the enquiry also the attempt of the worker was to establish that the direction issued by the Superior Officer was not reasonable. So the present contention that there was no direction for a shift from the original field is raised without any reasonable basis.

7. Now we need see only as to whether there was acceptable evidence at the enquiry to reach the conclusion that the reallocation and the direction to do work in the new field was reasonable as the fact of having issued such a direction and the denial of the same are all seen admitted at earlier stages. The evidence is that Shri Rayankutty continued to tap the fields that he was originally tapping. As many as five witnesses were examined at the enquiry on behalf of the Management. The only evidence on the side of the workman is his own testimony. The first witness for the Management is the Writer. The rest are also employees of this rubber estate. The evidence available is that ladder tapping was stopped with the commencement of the monsoon and therefore Shri Rayankutty was allotted a fresh block to start tapping at lower levels of the rubber tree. If he had really a genuine grievance regarding the allotment he could very well have taken up the matter with the higher Officers. There is evidence at the enquiry that the Writer had advised Shri Rayankutty to obey his direction and to complain to the Manager if he is not satisfied with reallocation. But Shri Rayankutty was adamant and he is seen to have continued to have tapped in the field in which he was earlier working. It was in these circumstances that the Management initiated action. There is not even a case for the employee that he himself complained to the Management instead of disobeying the directions of the superior officer. Even now it is not shown that the seniority of Shri Rayankutty was overlooked in the matter of reallocation. In these state of affairs it cannot be said that the directions issued by the superior officers were unreasonable. So the misconduct attributed to Shri Rayankutty was well established at the enquiry. The punishment cannot in any way be characterised as shockingly disproportionate to the gravity of the offence in order to infer victimisation. This is not a case to which Section 11-A of the Industrial Disputes Act is applicable. So I find no reason for interference. In the result an award is passed confirming the suspension of Shri A. P. Rayankutty.

(Camp) Trichur,
4-3-1982.

N. SUKUMARAN,
Presiding Officer.

Appendix

Exhibits marked on the Managements' side :

Ext. M1 Copy of a notice dated 12-6-1980 issued to Shri A. P. Rayankutty by the Management calling for his explanation.

,, M2. Explanation of Shri Rayankutty dated 13-6-1980.

,, M3. Copy of charge-sheet-cum-enquiry notice dated 14-6-1980 issued to Shri Rayankutty.

,, M4. Proceedings of the enquiry.

Government of Kerala
1982



Reg. No. KL/TV(N)/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVII] Trivandrum, Tuesday, 1st June 1982 / 11th Jyaistha 1904 [No. 401

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 5407/LAI/82. *Dated, Trivandrum, 1st June 1982.*

Shri K. Karunakaran, an elected member of the Kerala Legislative Assembly from the Nemom Constituency has resigned his seat in the Kerala Legislative Assembly with effect from June 1, 1982.

കേരള നിയമസഭയിലേക്ക് നേമം അസംബ്ലി നിയോജകമണ്ഡലത്തിൽ നിന്നും തെരഞ്ഞെടുക്കപ്പെട്ട അംഗം ആയ ശ്രീ. കെ. കരുണാകരൻ 1982 ജൂൺ 1-ാം തീയതി മുതൽ കേരള നിയമസഭയിലെ നേമം നിയോജകമണ്ഡലത്തിൽ നിന്നുള്ള തന്റെ സ്ഥാനം രാജിവച്ചിരിക്കുന്നു.

(By order)

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1982.

33/1733/MC.

Kerala Gazette No. 22 dated 1st June 1982.
PART I

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G.O. (Rt.) No. 404/82/LBR. *Dated, Trivandrum, 20th April 1982.*

The award of the Labour Court, Kozhikode in respect of the dispute between the Commissioner, Palghat Municipality and their workmen represented by the Secretary, Municipal Workers Union, Palghat received by Government on 6-4-1982 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
P. Gomathy Amma,
Deputy Secretary.

In the Labour Court, Kozhikode, Kerala State

Dated this the 1st day of March 1982

Present:

Shri T. M. VISHNU NAMBISSAN, B. A. B. L.,

Presiding Officer

M. P. No. 222/81

In

I. D. 66/78

Between:

1. The Commissioner, Palghat Municipality (Management)
2. The Secretary, Municipal Workers Union Palghat (Union representing Workers)

} *Petitioners*

Represented:

Advocate Shri C. Lakshmanan, Palghat .. For *the Management*
Advocate Shri P. G. Menon, Palghat .. For *the Union*

ORDER

1. This is a joint petition filed by the management and the first union representing workers 1 to 51 under Rule 29 of the Kerala Industrial Disputes Rules and Sections 151, 152 and 153 of the Code of Civil Procedure for correction or modification of the settlement and the award passed in the above I. D. In their joint affidavit it is averred that an Award has been passed by this Court on 27-8-1981 in terms of the Memorandum of Settlement filed by them and the said award together with the Memorandum of Settlement annexed was published in the Kerala Gazette No. 47 dated 24-11-1981. Some in advertent and accidental slips have crept in the settlement and the Award passed on that basis. Hence the settlement as well the Award requires to be corrected or modified. The total number of workers whose claims for reinstatement was the subject matter of adjudication was 56 of whom workers 1 to 32 listed in seriatum in the list annexed to the Memorandum of Settlement have been agreed to be taken back into service and the remaining 24 workers had been agreed to be ignored. But by some mistake the name of one more worker who had not been intended to be covered by the Memorandum of Settlement is seen included in the list appended to the memorandum on the basis of which an award was passed. The said worker is "C. R. Gopalan, Robinson Road, Palghat" discribed as No. 33" in the list annexed to the memorandum of settlement as well as the Award. It was not intended that the said worker should be the beneficiary of the settlement arrived at. It is necessary that his name be allowed to be struck off or deleted from the list appended to the memorandum of settlement and the Award. They also pray for minor corrections in the names of the workers shown as Serial No. 12, 21 and 32 in the memorandum of settlement and the Award.

2. In view of the Joint application, the memorandum of settlement and the Award passed by this court are corrected and modified as follows:—

1. The name of worker No. 33 viz. C. R. Gopalan, Robinson Road, Palghat shown in the memorandum of settlement and in the list attached to the Award is deleted.
2. Name of worker shown as serial No. 12 as "Aru K." is corrected and the Award is modified as "Arumughan K."
3. Name of Worker No. 21 shown as R. Dinakaran is corrected and the Award is modified as "R. Dinakumaran."
4. Name of worker No. 32 shown as "E. Ramakrishnan" is corrected and the Award is modified as "E. Radhakrishnan."

3. This order modifying the award will take effect 30 days after its publication in the Official Gazette.

Dictated to the Confidential Assistant, transcribed by him, revised, corrected and passed by me on the 1st day of March, 1982.

T. M. Vishnu Nambissan,
Presiding Officer.

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G.O. (Rt.) No. 405/82/LBR. *Dated, Trivandrum, 20th April 1982.*

The award of the Labour Court, Kozhikode in respect of the dispute between Sri M. J. Jony, Watch Repairer, Mammottil House, P. O. Changanacherry, Kottayam and their workmen represented by the Secretary, Taliparamba Block Estate Workers' Union (INTUC), P. O. Taliparamba received by Government on 6-4-1982 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
P. Gomathy Amma,
Deputy Secretary.

In the Labour Court, Kozhikode, Kerala State

Dated this the 25th day of February 1982

Present:

Shri T. M. VISHNU NAMBISSAN, B. A., B.L.,

Presiding Officer

In

INDUSTRIAL DISPUTE No. 53/80

Between:

Sri M. J. Jony, Watch Repairer, Mammottil House, P. O. Changanacherry, Kottayam } *Management*

And

The Secretary, Taliparamba Block Estate Workers' Union (INTUC), P. O. Taliparamba } *Union*

Represented:

Advocate Shri E. Ebrahimkutty, Cannanore .. For *the Management.*
Advocate Dr. P. V. Balakrishnan, Cannanore .. For *the Union.*

AWARD

1. This Industrial Dispute between the parties regarding the denial of employment to Sri M. C. Joseph with effect from 15-11-1976 was referred to this Court for adjudication as per G. O. Rt. No. 1011/80/LBR dated 9-7-1980. The case was taken on file and notices issued to the parties. They entered appearance and filed statements.

2. When this case came up for enquiry on 10-2-1982 at the Cannanore Camp, the Advocate for the workman endorsed that the above dispute is not pressed. Hence I hold that there is no dispute pending between the parties requiring adjudication. An award is passed accordingly.

3. This award will come into force 30 days after its publication in the Official Gazette.

Dictated to the Confidential Assistant, transcribed by him, revised, corrected and passed by me on 25th day of February 1982.

Labour Court,
Kozhikode.

T. M. VISHNU NAMBISSAN,
Presiding Officer.

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 406/82/LBR. *Dated, Trivandrum, 20th April 1982.*

The award of the Labour Court, Kozhikode in respect of the dispute between the President/Secretary, Pariyaram Service Co-operative Bank, Pariyaram, Cannanore District and their workman Sri V. Vasu (Ex-salesman) Pariyaram Service Co-operative Bank Ltd., Pariyaram, Cannanore District received by Government on 6-4-1982 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
P. GOMATHY AMMA,
Deputy Secretary.

In the Labour Court, Kozhikode, Kerala State

Dated this the 25th day of February, 1982

Present:

SHRI T.M. VISHNU NAMBISSAN, B.A., B.L.,

Presiding Officer

INDUSTRIAL DISPUTE No. 50/81

Between:

The President/Secretary,
Pariyaram Service Co-operative Bank,
Pariyaram,
Cannanore District. } *Management*

And

Sri V. Vasu (Ex-salesman)
Pariyaram Service Co-operative Bank Ltd.,
Pariyaram, Cannanore District. } *Workman*

AWARD

1. This Industrial Dispute between the parties regarding the dismissal of Sri Vasu, Salesman from 19-12-1980 was referred to this court for adjudication as per G.O. Rt. No. 1450/81/LBR dated 21-11-1981. The case was taken on file. Inspite of the acceptance of the registered notice sent by this Court, the parties did not appear and as such they were called, found absent, and declared exparte. There is no evidence in support of the claim of the workman. In the absence of any claim statement and evidence, it cannot be said that there is any dispute pending between the parties requiring adjudication. Hence I pass the award holding that there is no dispute existing between the parties requiring adjudication.

2. This award will come into force 30 days after its publication in the Official Gazette.

Dictated to the Confidential Assistant, transcribed by him, revised, corrected and passed by me on the 25th day of February 1982.

T.M. Vishnu Nambissan,
Presiding Officer,
Labour Court, Kozhikode.

Kerala Gazette No. 22 dated 1st June 1982.

PART I

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G.O. (Rt.) No. 403/82/LBR. *Dated, Trivandrum, 20th April 1982.*

The award of the Labour Court, Kozhikode in respect of the dispute between the Secretary, Kausalya Weavers Co-operative Society Ltd., Thottada and (2) The President, Kausalya Weavers Co-operative Society, Ltd., Thottada and their workman Sri Poonthottathil Narayanan, Ex-Watchman, Poonthottathil House, Thottada P. O., Cannanore-7 received by Government on 6-4-1982 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,

P. GOMATHY AMMA,

Deputy Secretary.

In the Labour Court, Kozhikode, Kerala State

Dated this the 25th day of February, 1982.

Present :

SHRI T. M. VISHNU NAMBISSAN, B. A., B. L.,
Presiding Officer

I. D. No. 1/82

Between :

1. The Secretary, Kausalya Weavers Co-operative Society Ltd., Thottada.
2. The President, Kausalya Weavers Co-operative Society Ltd., Thottada.

} *Opposite parties*

And

Sri Poonthottathil Narayanan, Ex-Watchman, Poonthottathil house, Thottada P. O., Cannanore-7. } *Workman*

AWARD

1. This industrial dispute between the above parties regarding the dismissal of Sri Poonthottathil Narayanan with effect from 2-8-1980 was referred to this Court for adjudication as per G. O. (Rt.) No. 1563/81/LBR dated 29-12-1981. The case was taken on file and notices issued to the parties.

2. When this case came up for enquiry on 10-2-1982 at the Cannanore Camp, the parties filed a statement to the effect that the Board of Directors of the Management has resolved to appoint the workman as watchman as per the terms and conditions set out in Resolution No. 4 dated 9-2-1982 to which the workman has agreed and requesting this Court to pass an award accordingly. Hence an award is passed in terms of the settlement, which shall form part of this Award.

3. This award will come into force 30 days after its publication in the Official Gazette.

Dictated to the Confidential Assistant, Transcribed by him, revised, corrected and passed by me on the 25th day of February, 1982.

T. M. VISHNU NAMBISSAN,
Presiding Officer,
Labour Court, Kozhikode.

Annexure

Before the Labour Court, Kozhikode

INDUSTRIAL DISPUTE No. 1/82

Between :

1. The Secretary, Kausalya Weavers Industrial Co-operative Society Ltd., Thottada, Cannanore-7.
2. The President, Kausalya Weavers Industrial Co-operative Society Ltd., Thottada, Cannanore-7.

and

The Workman of the above concern Sri Poonthottathil Narayanan, Ex-Watchman, Poonthottathil House, Thottada P. O.

The above dispute has been settled between the Parties as resolved by the Board of Directors of the Society and as agreed to by the Workman. The Board of Directors has resolved to appoint the workman as Watchman as per the terms and conditions set out in Resolution No. 4 dated 9-2-1982 to which the Workman has agreed. Hence this Court may be pleased to pass an award accordingly.

1. (Sd.) Secretary, Kausalya Weavers Industrial Co-operative Society Ltd., 10-2-1982.
2. (Sd.) President, Kausalya Weavers Industrial Co-operative Society Ltd., 10-2-1982.
3. (Sd.) Poonthottathil Narayanan.
4. Identified by me. (Sd.) 10-2-1982. Kunhimangalam Damu, Advocate, Cannanore.

GOVERNMENT OF KERALA

Law (Legislation-Publication) Department

NOTIFICATION

No. 17164/Leg.Pbn. 2/81-I/Law. *Dated, Trivandrum, 17th November* 1981.

The following Act of Parliament, published in a Gazette of India Extraordinary, Part II, Section 1, dated the 17th September, 1981, is hereby republished for general information. The Bill as passed by the Houses of Parliament received the assent of the President on the 17th September, 1981.

By order of the Governor,
K. VISWANATHAN NAIR,
Special Secretary (Law).

THE VICTORIA MEMORIAL (AMENDMENT) ACT, 1981
(82 of 1981)

An
Act

further to amend the Victoria Memorial Act, 1903.

BE it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Victoria Memorial (Amendment) Act, 1981.

2. *Amendment of section* 2.—In the Victoria Memorial Act, 1903 (10 of 1903) (hereinafter referred to as the principal Act), in section 2,—

(i) for subsection (1) the following subsection shall be substituted, namely:—

"(1) The Trustees of the Victoria Memorial (hereinafter called the Trustees) shall be the following, namely:—

(a) the Governor of West Bengal, *ex-officio* Chairman;

(b) the Chief Justice of the High Court of West Bengal, *ex-officio*;

(c) three persons to be nominated by the Central Government, one of whom shall be a representative of commerce and industry, chosen in consultation with the State Government of

West Bengal and two others chosen from among persons who, in the opinion of the Central Government, have expert knowledge of the exhibits in the Victoria Memorial or are museologists, historians or art historians;

(d) a representative of the Central Government in the Ministry concerned with matters relating to the Victoria Memorial, *ex officio*;

(e) a representative of the Central Government in the Ministry of Finance, Department of Expenditure, concerned with matters relating to the Victoria Memorial, *ex officio*;

(f) the Mayor of the Corporation of Calcutta and where the Corporation of Calcutta is superseded, the Administrator of that Corporation, *ex officio*;

(g) an officer, not below the rank of the Accountant-General, nominated by the Comptroller and Auditor-General of India, *ex officio*;

(h) the Secretary to the Government of West Bengal in the Department of Education, *ex Officio*;

(i) four persons (of whom one at least shall be from the general body of subscribers), to be nominated by the Trustees from among persons, who, in the opinion of the Trustees, have expert knowledge of the exhibits in the Victoria Memorial or are museologists, historians or art historians, with the approval of the Central Government.";

(ii) after sub-section (3), the following sub-section shall be inserted, namely:—

"(3A) If any of the Trustees referred to in clause (b), (d), (e), (f), (g) and (h) of sub-section (1) is unable to attend any meeting of the Trustees, he may, with the previous approval of the Chairman, authorise in writing a person to do so.".

3. *Amendment of section* 5.—In section 5 of the principal Act,—

(a) in sub-section (1), after the words "Central Government may", the words, "by notification in the Official Gazette," shall be inserted;

(b) in sub-section (2),—

(i) after clause (d), the following clause shall be inserted, namely:—

"(da) for the fees to be levied for admission to the Victoria Memorial;";

(ii) in clause (e), the word "and" occurring at the end shall be omitted;

(iii) clause (f) shall be omitted;

(c) after subsection (2), the following subsection shall be inserted namely:—

"(3) Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediatly following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.".

4. *Insertion of new section* 6.—After Section 5 of the principal Act, the following section shall be inserted, namely:—

Power of Trustees to make regulations.—"6. (1) The Trustees may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations, not inconsistent with this Act and the rules made thereunder, for enabling the body to discharge its functions under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(*a*) the conditions and restrictions subject to which articles and things vested in the Trustees may be given on loan;

(*b*) the recruitment and conditions of service of the employees of the Victoria Memorial.

(3) Every regulation shall, as soon as may be, after it is made by the Trustees, be forwarded to the Central Government and that Government shall cause a copy of the same to be laid before each House of Parliament, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.".

GOVERNMENT OF KERALA

Local Administration and Social Welfare (C) Department

WITHDRAWAL NOTIFICATION

G.O. (Rt.) No. 1064/82/LA&SWD. *Dated, Trivandrum, 30th March* 1982.

S. R. O. No. 670/82.—Under subsection (1) of section 52 of the Kerala Land Acquisition Act, 1961 (21 of 1962) the Government of Kerala, hereby withdraw from the acquisition of the land mentioned in the Schedule hereto annexed in respect of which land acquisition proceedings were initiated by the Tahsildar by the issue of Notification No. B4-131/81 dated the 28th February 1981 under subsection (1) of section 3 thereof published at page 3 in the Janayugam daily dated the 10th March, 1981 and at page 2 in the Malayala Manorama daily dated the 15th March, 1981.

SCHEDULE

District—Kozhikode.

Taluk—Badagara. *Village*—Chorode.

Desom—Muttungal.

Re. Sy. No.—49/16 A
Description—Garden
Extent—0.1254 hectares

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

The Panchayat has resolved to withdraw the acquisition proceedings in respect of above lands. Hence the notification.

എസ്. ആർ. ഒ. നമ്പർ 670/82.—1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21) 52-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പു പ്രകാരം കേരള സർക്കാർ ഇതോടൊന്നിച്ചു ചേർത്തിട്ടുള്ള പട്ടികയിൽ പറഞ്ഞിട്ടുള്ളതും പ്രസ്തുത ആക്റ്റ് 3-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പുപ്രകാരമുള്ള 1981 ഫെബ്രുവരി 28-ാം തീയതിയിലെ ബി4-131/81 എന്ന നമ്പർ വിജ്ഞാപനം 1981 മാർച്ച് 10-ാം തീയതിയിലെ ജനയുഗം ദിനപത്രത്തിൽ 3-ാം പേജിലും 1981 മാർച്ച് 15-ാം തീയതിയിലെ മലയാള മനോരമ ദിനപത്രത്തിൽ 2-ാം പേജിലും പ്രസിദ്ധപ്പെടുത്തിക്കൊണ്ട് തഹസീൽദാർ സ്ഥലമെടുപ്പു നടപടികൾ ആരംഭിച്ചിട്ടുള്ളതുമായ ഭൂമി വിലയ്ക്കെടുക്കുന്നതിൽ നിന്നും ഇതിനാൽ പിൻവാങ്ങുന്നു.

പട്ടിക

ജില്ല—കോഴിക്കോട് താലൂക്ക് – വടകര
വില്ലേജ്—ചോറോട് ദേശം—മുട്ടുങ്ങൽ

റീ. സർവ്വെ നമ്പർ—49/16എ
വിവരണം—തോട്ടം
വിസ്തീർണ്ണം—0.1254 ഹെക്ടർ

വിശദീകരണക്കുറിപ്പ്

(ഇത് വിജ്ഞാപനത്തിന്റെ ഭാഗമല്ല, എന്നാൽ പൊതു ഉദ്ദേശം സൂചിപ്പിക്കുന്നതിനുദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്.)

മേൽപ്പറഞ്ഞ സ്ഥലം വിലയ്ക്കെടുക്കുന്നതിനുള്ള നടപടികൾ പിൻവലിക്കുന്നതിന് പഞ്ചായത്ത് തീരുമാനിച്ചിട്ടുണ്ട്. അതിനാലാണ് ഈ വിജ്ഞാപനം പുറപ്പെടുവിക്കുന്നത്.

By order of the Governor,
E. K. SANTHA,
Additional Secretary.

GOVERNMENT OF KERALA

Revenue (B) Department

NOTIFICATION

No. 83532/B1/81/RD. *Dated, Trivandrum, 20th March* 1982.

S. R. O. No 671/82.—Under subsection (1) of section 52 of the Kerala Land Acquisition Act. 1961 (21 of 1962), the Government of Kerala hereby withdraw from acquisition of the lands mentioned in the Schedule hereto annexed in respect of which Notification No. A. 1513/79 dated the 8th January 1980, under subsection (1) of section 3 of the said Act has been issued by the Special Tahsildar for Land Acquisition, Tellicherry published at pages 449-450 in Part III of the Kerala Gazette dated the 19th February, 1980.

SCHEDULE

District—Cannanore

Taluk—Tellicherry *Village*—Koodali

Desom—Koodali

Sl. No.	*Survey No.*	*Description*	*Extent in Squaremetre*
1.	R.S. 19/1 Apt.	Ryotwari garden	1200
2.	R.S. 19/1B pt.	Ryotwari garden	160
3.	R S. 20/3 pt.	Ryotwari garden	960
4.	R.S. 20/6 pt.	Ryotwari garden	840
5.	R.S. 20/7 pt.	Ryotwari garden	160
6.	R.S. 20/1 pt.	Unassessed	320

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport.)

In November 1979 the Special Tahsildar (LA), Tellicherry had initiated acquisition proceedings for the acquisition of lands mentioned in the schedule to the above notification for the play ground for Koodali High School. The Manager. Koodali High School has requested to withdraw the acquisition proceedings in R.S. 19/1A pt. 19/1B pt. R.S.20/3 pt. of Koodali amsom and desom, Tellicherry Taluk and Cannanore District, as the land required for the purpose has been obtained by direct purchase. The notification is intended to achieve the above object.

എസ്. ആർ. ഒ. നമ്പർ 671/82.—1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21) 52-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പുപ്രകാരം, കേരള സർക്കാർ ഇതോടൊന്നിച്ച് ചേർത്തിട്ടുള്ള പട്ടികയിൽ പറഞ്ഞിട്ടുള്ളതും 1980 ഫെബ്രുവരി 19-ാം തീയതിയിലെ കേരള ഗസററ് 3-ാം ഭാഗം 449, 450 എന്നീ വശങ്ങളിൽ പ്രസിദ്ധീകരിച്ചിട്ടുള്ള പ്രസ്തുത ആക്ററ് 3-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പുപ്രകാരമുള്ള 1980 ജനുവരി 8-ാം തീയതിയിലെ എ-1513/79 എന്ന നമ്പർ വിജ്ഞാപനം തലശ്ശേരി ലാൻറ് അക്വിസിഷൻ സ്പെഷ്യൽ തഹശീൽദാർ പുറപ്പെടുവിച്ചിട്ടുള്ളതുമായ സ്ഥലം വിലയ്ക്കെടുക്കുന്നതിൽ നിന്നും ഇതിനാൽ പിൻവാങ്ങുന്നു.

പട്ടിക

ജില്ല—കണ്ണൂർ | താലൂക്ക്—തലശ്ശേരി

വില്ലേജ്—കൂടാളി | ദേശം—കൂടാളി

ക്രമ നമ്പർ	സർവ്വെ നമ്പർ	വിവരണം	വിസ്തീർണ്ണം
1	റീ. സ. 19/1 എ ഭാഗം	റബ്ബർ വാരിത്തോട്ടം	1200 ച. മീ.
2	„ 19/1 ബി „	„	160 „
3	„ 20/3 „	„	960 „
4	„ 20/6 „	„	840 „
5	„ 20/7 „	„	160 „
6	„ 20/1 „	യൂ. എ.	320 „

വിശദീകരണക്കുറിപ്പ്

(ഇത് വിജ്ഞാപനത്തിൻെറ ഭാഗമല്ല. എന്നാൽ അതിൻെറ പൊതു ഉദ്ദേശം സൂചിപ്പിക്കുന്നതിനുദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്.)

കൂടാളി ഹൈസ്ക്കൂളിനു കളിസ്ഥലത്തിനു വേണ്ടിമേൽപ്പറഞ്ഞ വിജ്ഞാപനത്തിൻെറ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള ഭൂമി വിലയ്ക്കെടുക്കുന്നതിനുള്ള സ്ഥലമെടുപ്പ് നടപടികൾ 1979 നവംബറിൽ തലശ്ശേരി സ്പെഷ്യൽ തഹസീൽദാർ (എൽ. എ.) ആരംഭിച്ചിരുന്നു.

മേൽപ്പറഞ്ഞ ആവശ്യത്തിനുവേണ്ടിയുള്ള സ്ഥലം നേരിട്ടു വിലയ്ക്കു വാങ്ങിയതുകൊണ്ട് കണ്ണൂർ ജില്ലയിലെ തലശ്ശേരി താലൂക്കിലെ കൂടാളി അംശത്തിലും ദേശത്തിലും ഉള്ള റീ. സർവ്വേ 19/1 എ. ഭാഗം, 19/1 ബി. ഭാഗം റീ. സർവ്വേ 20/3 ഭാഗം എന്നിവയിലെ സ്ഥലമെടുപ്പ് നടപടികളിൽ നിന്നും പിൻവാങ്ങാൻ കൂടാളി ഹൈസ്ക്കൂൾ മാനേജർ അഭ്യർത്ഥിച്ചു. വിജ്ഞാപനം മേൽപ്പറഞ്ഞ ആവശ്യം നിറവേററുന്നതിനുവേണ്ടിയുള്ളതാണ്.

By order of the Governor,
K. NARAYANAN,
Deputy Secretary.

GOVERNMENT OF KERALA

Revenue (B) Department

NOTIFICATION

No. 83532/B1/81/RD. *Dated, Trivandrum, 20th March* 1982.

S. R. O. No 671/82.—Under subsection (1) of section 52 of the Kerala Land Acquisition Act, 1961 (21 of 1962), the Government of Kerala hereby withdraw from acquisition of the lands mentioned in the Schedule hereto annexed in respect of which Notification No. A. 1513/79 dated the 8th January 1980, under subsection (1) of section 3 of the said Act has been issued by the Special Tahsildar for Land Acquisition, Tellicherry published at pages 449-450 in Part III of the Kerala Gazette dated the 19th February, 1980.

SCHEDULE

District—Cannanore

Taluk—Tellicherry

Village—Koodali

Desom—Koodali

Sl. No.	*Survey No.*	*Description*	*Extent in Squaremetre*
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2.	R.S. 19/1B pt.	Ryotwari garden	160
3.	R.S. 20/3 pt.	Ryotwari garden	960
4.	R.S. 20/6 pt.	Ryotwari garden	840
5.	R.S. 20/7 pt.	Ryotwari garden	160
6.	R.S. 20/1 pt.	Unassessed	320

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport.)

In November 1979 the Special Tahsildar (LA), Tellicherry had initiated acquisition proceedings for the acquisition of lands mentioned in the schedule to the above notification for the play ground for Koodali High School. The Manager, Koodali High School has requested to withdraw the acquisition proceedings in R.S. 19/1A pt. 19/1B pt. R.S.20/3 pt. of Koodali amsom and desom, Tellicherry Taluk and Cannanore District, as the land required for the purpose has been obtained by direct purchase. The notification is intended to achieve the above object.

എസ്. ആർ. ഒ. നമ്പർ 471/82.—1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്ട് (1962-ലെ 21) 52-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പുപ്രകാരം, കേരള സർക്കാർ ഇതോടൊന്നിച്ച് ചേർത്തിട്ടുള്ള പട്ടികയിൽ പറഞ്ഞിട്ടുള്ളതും 1980 ഫെബ്രുവരി 19-ാം തീയതിയിലെ കേരള ഗസററ് 3-ാം ഭാഗം 449, 450 എന്നീ വശങ്ങളിൽ പ്രസിദ്ധീകരിച്ചിട്ടുള്ള പ്രസ്തുത ആക്ടിന്റെ 3-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പുപ്രകാരമുള്ള 1980 ജനുവരി 8-ാം തീയതിയിലെ എ-1513/79 എന്ന നമ്പർ വിജ്ഞാപനം തലശ്ശേരി ലാൻഡ് അക്വിസിഷൻ സ്പെഷ്യൽ തഹസീൽദാർ പുറപ്പെടുവിച്ചിട്ടുള്ളതുമായ സ്ഥലം വിലയ്ക്കെടുക്കുന്നതിൽ നിന്നും ഇതിനാൽ പിൻവാങ്ങുന്നു.

പട്ടിക

ജില്ല—കണ്ണൂർ | താലൂക്ക്—തലശ്ശേരി

വില്ലേജ്—കൂടാളി | ദേശം—കൂടാളി

ക്രമ നമ്പർ	സർവ്വെ നമ്പർ	വിവരണം	വിസ്തീർണ്ണം
1	റീ. സ. 19/1 ഭാഗം	റയററ് വാരിതോട്ടം	1200 ച. മീ.
2	,, 19/1 ബി ,,	,,	160 ,,
3	,, 20/3 ,,	,,	960 ,,
4	,, 20/6 ,,	,,	840 ,,
5	,, 20/7 ,,	,,	160 ,,
6	,, 20/1 ,,	യു. എ.	320 ,,

വിശദീകരണക്കുറിപ്പ്

(ഇത് വിജ്ഞാപനത്തിന്റെ ഭാഗമല്ല. എന്നാൽ അതിന്റെ പൊതു ഉദ്ദേശം സൂചിപ്പിക്കുന്നതിനുദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്.)

കൂടാളി ഹൈസ്കൂളിനു കളിസ്ഥലത്തിനു വേണ്ടി മേൽപ്പറഞ്ഞ വിജ്ഞാപനത്തിന്റെ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള ഭൂമി വിലയ്ക്കെടുക്കുന്നതിനുള്ള സ്ഥലമെടുപ്പ് നടപടികൾ 1979 നവംബറിൽ തലശ്ശേരി സ്പെഷ്യൽ തഹസീൽദാർ (എൽ. എ.) ആരംഭിച്ചിരുന്നു.

മേൽപ്പറഞ്ഞ ആവശ്യത്തിനുവേണ്ടിയുള്ള സ്ഥലം നേരിട്ടു വിലയ്ക്കു വാങ്ങിയതുകൊണ്ട് കണ്ണൂർ ജില്ലയിലെ തലശ്ശേരി താലൂക്കിലെ കൂടാളി അംശത്തിലും ദേശത്തിലും ഉള്ള റീ. സർവ്വേ 19/1 എ. ഭാഗം, 19/1 ബി. ഭാഗം റീ. സർവ്വേ 20/3 ഭാഗം എന്നിവയിലെ സ്ഥലമെടുപ്പ് നടപടികളിൽ നിന്നും പിൻവാങ്ങാൻ കൂടാളി ഹൈസ്കൂൾ മാനേജർ അഭ്യർത്ഥിച്ചു. വിജ്ഞാപനം മേൽപ്പറഞ്ഞ ആവശ്യം നിറവേറുന്നതിനുവേണ്ടിയുള്ളതാണ്.

By order of the Governor,
K. NARAYANAN,
Deputy Secretary.

GOVERNMENT OF KERALA

Local Administration and Social Welfare (G) Department

NOTIFICATION

G.O. (MS) No. 68/82. *Dated, Trivandrum, 7th April* 1982.

S. R. O. No. 672/82.—Under subsection (1) of section 52 of the Kerala Land Acquisition Act, 1961 (21 of 1962), the Government of Kerala hereby withdraw from the acquisition of lands mentioned in the schedule hereto annexed in respect of which land acquisition proceedings were initiated by the Special Tahsildar (L.A.), Greater Cochin Development Authority, Cochin, by the issue of notification No. B2. 657/79 dated the 31st July 1979 under subsection (1) of section 3 thereof, published at page 2732 in Part III of Kerala Gazette No. 38 dated the 25th September, 1979.

SCHEDULE

District—Ernakulam

Taluk—Parur *Village*—Parur & Kottuvally

Sl. No.	*Survey No.*	*Description*	*Extent (Hectares)*
1.	210/2 Parur	Dry	0.0849
2.	210/3 Parur	Wet	0.5828
3.	211/6 Parur	Dry	0 0445
4.	211/7 Parur	Dry	0 9308
5.	236/9 Parur	Dry	0.0525
6.	106/1 Kottuvally	Dry	1.4770
		Total	3..726

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport).

The proposal relates to the Acquisition of lands for the Parur Housing Scheme by the Greater Cochin Development Authority. According to the revised alignment plan received from the requisitioning authority, and on pegmarking the land on ground after the publication of 3 (1) notification it is seen that the land mentioned in the schedule will not come within the alignment. Hence the withdrawal notification. The land owners have not sustained any loss due to the L.A. proceedings initiated.

G. 545

എസ്. ആർ. ഒ. നമ്പർ 672/82.—1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21), 52-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പ് പ്രകാരം കേരള സർക്കാർ ഇതോടൊന്നിച്ച് ചേർത്ത പട്ടികയിൽ പറഞ്ഞിട്ടുള്ളതും 1979 സെപ്റ്റംബർ 25-ാം തീയതിയിലെ 38-ാം നമ്പർ കേരള ഗസററിന്റെ 3-ാം ഭാഗം 2732-ാം പേജിൽ പ്രസിദ്ധപ്പെടുത്തിയ പ്രസ്തുത ആക്റ്റ് 3-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പ് പ്രകാരമുള്ള 1979 ജൂലൈ 31-ാം തീയതിയിലെ ബി2-657/79 എന്ന നമ്പർ വിജ്ഞാപനം പുറപ്പെടുവിച്ചുകൊണ്ട് ലാൻഡ് അക്വിസിഷൻ സ്പെഷ്യൽ തഹസീൽദാർ വിശാലകൊച്ചി വികസന അതോറിററി, സ്ഥലമെടുപ്പ് നടപടികൾ ആരംഭിച്ചിട്ടുള്ളതുമായ സ്ഥലം വിലയ്ക്കെടുക്കുന്നതിൽ നിന്നും ഇതിനാൽ പിൻവാങ്ങുന്നു.

പട്ടിക

ജില്ല—എറണാകുളം

താലൂക്ക്—പറവൂർ

വില്ലേജ്—പറവൂർ കോട്ടുവള്ളി

ക്രമ നമ്പർ	സർവ്വേ നമ്പർ	വിവരണം	വിസ്തീർണ്ണം (ഹെക്ടറിൽ)
1	210/2 പറവൂർ	പുരയിടം	0.0849
2	210/3 ,,	നിലം	0.5828
3	211/6 ,,	പുരയിടം	0.0445
4	211/7 ,,	,,	0.9308
5	236/9 ,,	,,	0.0526
6	106/1 കോട്ടുവള്ളി	,,	1.4770
		ആകെ	3.1726

വിശദീകരണക്കുറിപ്പ്

(ഇതു വിജ്ഞാപനത്തിന്റെ ഭാഗമല്ല. എന്നാൽ അതിന്റെ പൊതു ഉദ്ദേശ്യം വ്യക്തമാക്കുന്നതിനുദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്.)

വിശാലകൊച്ചി വികസന അതോറിററിയുടെ പറവൂരിലുള്ള വേന നിർമ്മാണ പദ്ധതിക്കുവേണ്ടി സ്ഥലം വിലയ്ക്കെടുക്കുന്നതു സംബന്ധിച്ചുള്ള നിർദ്ദേശമാണിത്. 3 (1) വിജ്ഞാപനം പ്രസിദ്ധപ്പെടുത്തിയതിനുശേഷം ആവശ്യപ്പെടുന്ന അധികാരിയിൽ നിന്നും കിട്ടിയ പുതുക്കിയ അലൈൻമെൻറ്പ്ലാനും സ്ഥലം കുററിയടിച്ച് തിട്ടപ്പെടുത്തിയ പ്രകാരവും മുകളിൽ പട്ടികയിൽ കാണിച്ചിരിക്കുന്ന ഭൂമി നേർവരക്കുള്ളിൽ വരുന്നില്ലെന്നു കാണുന്നു. അതിനാലാണ് ഈ പിൻവാങ്ങൽ വിജ്ഞാപനം. സ്ഥലമെടുപ്പു നടപടികൾ ആരംഭിച്ചതുമൂലം ഭൂവുടമകൾക്ക് യാതൊരു നഷ്ടവും ഉണ്ടായിട്ടില്ല.

By order of the Governor,

M. DANDAPANI,

Special Secretary.

GOVERNMENT OF KERALA

Transport, Fisheries And Ports (Transport C) Department

NOTIFICATION

No. 944/TC2/82/TF&P. *Dated, Trivandrum, 24th April* 1982.

S.R.O. No. 673/82.—Whereas representation has been received by Government from the Stage Carriage Operator Shri P. Radhakrishnan Menon Road Lines, Chalakudy, Trichur that the Vehicle tax for the quarters ended on the 30th September, 1981 31st December, 1981 and 31st March, 1982 in respect of the Stage Carriage bearing Registration Number KRE. 4855 could not be remitted within the prescribed period due to financial strain and that extension of time for payment of Vehicle tax in respect of this vehicle may, therefore, be granted;

And whereas, the Government are convinced that circumstances existed that the said stage carriage operator could not remit the arrears of vehicle tax in respect of the said stage carriage ordinarily kept for use in the State for the three quarters ended on the 30th September, 1981, 31st December, 1981 and 31st March, 1982 due to financial strain;

And whereas, the Government are convinced that non-operation of the vehicle due to non-payment of tax would have caused great inconvenience to the travelling public;

And whereas, the Government consider it necessary in the public interest to permit the owner of the said stage carriage to remit one tenth portion of the arrears of vehicle tax for the three quarters ended on the 30th September, 1981 31st December, 1981 and 31st March, 1982 within two weeks from 20-1-1982 and the balance amount within two months from the said date;

Now, therefore, in exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), read with rule 5 of the Kerala Motor Vehicles Taxation Rules, 1975, the Government of Kerala hereby order that on-tenth portion of the arrears, of Vehicle tax due for the three quarters ended on the 30th September 1981 31st December, 1981 and 31st March, 1982 in respect of the said stage carriage ordinarily kept for use in the State shall be paid within two weeks from 20-1-1982 and the balance amount within two months from the said date together with the additional tax payable under section 12 of the Kerala Motor Vehicles Taxation Act, 1976 read

with the notification (5) No. 33942/TC2/75-5/PW. dated the 29th September, 1975 published as S.R.O. No. 876/75 in the Kerala Gazette Extraordinary No. 572 dated the 29th September, 1975.

By order of the Governor,

P. SANKARAN NAIR,

Additional Secretary.

Explanatory Note

(This is not part of the notification but is intended to explain the reason for the issue of the notification.)

Government have received representation from the Stage Carriage Operator Shri P. Radhakrishnan, Menon Road lines, Chalakudy, Trichur requesting extension of time for payment of arrears of vehicle tax in respect of vehicle bearing Registration No. KRE. 4855 for the quarters ended 30th September, 1981, 31st December, 1981 and 31st March, 1982 due to financial strain;

Government are convinced of the position and in public interest, grant extension of time for payment of arrears of vehicle tax as notified otherwise the vehicle might be put out of operation for non-payment of tax causing great inconvenience to the travelling public.

GOVERNMENT OF KERALA

Higher Education (E) Department

NOTIFICATION

G.O. (Ms). No. 49/82/H. Edn. *Dated, Trivandrum, 12th May* 1982.

S.R.O. No. 674/82.—In exercise of the powers conferred by subsection (1) of section 4 of the Charitable Endowments Act, 1890 (Central Act 6 of 1890), the Government of Kerala hereby order that the property specified in column (2) of the schedule appended herewith belonging to the Endowment mentioned in column (1) thereof, shall be vested with the Treasurer of Charitable Endowments, Kerala, and under subsections (1) and (3) of section 5 of the said Act, the Government of Kerala hereby settle the following Scheme for administration of the said property, the same having been previously published under rule 3 of the Charitable Endowments (Kerala) Rules, 1966, and appoint the date of publication of this notification to be the date on which the said Scheme shall come into operation, namely:—

SCHEME

1. This Endowment shall be called "Sahithiarasikan M. K. Murian Mithrapuram Memorial Endowment".

2. The corpus of the Endowment shall consist of Rs. 1,001 (Rupees One thousand and one only) and shall be vested with the Treasurer of Charitable Endowments, Kerala.

3. The corpus of the Endowment shall be invested in any long term securities of the Government of India or the Government of Kerala or in any of the securities approved by the Government of Kerala.

4. The Headmaster/Headmistress, Government High School, for Boys, Adoor shall be the Administrator of the Fund.

5. The annual interest accruing on the Fund shall be utilised during the succeeding year for awarding a prize in kind on the occasion of school day celebration or on any other occasion in the academic year as decided by the Administrator.

6. The prize shall be awarded to a student of the Government High School for Boys, Adoor who has passed the S.S.L.C. Examination during the previous year in the first attempt by securing the highest number of marks.

7. If, in any year, more than one pupil secures the same number of highest marks, then the amount shall be divided equally among them and the prizes awarded accordingly.

8. Requisition for payment of the annual interest shall be sent by the Administrator at any time not later than two months prior to the date fixed for the award of the prize and the Treasurer of Charitable Endowments shall thereupon arrange to place the annual interest at the disposal of the administrator.

9. If the interest is not utilised as provided in clause 5 or if the prize is not awarded owing to the non-availability of a suitable candidate or for any other reason or any balance is left after awarding the prize, such amount shall be added on to the corpus of the fund by the Treasurer of Charitable Endowments, unless its payment is allowed by the Treasurer in exceptional cases on the specific recommendation of the controlling authority specified in clause 10.

10. If any doubt or dispute arises regarding the meaning or interpretation of the Scheme, it shall be referred to the Director of Public Instructions whose decision thereon shall be final.

SCHEDULE

Name of Endowment (1)	*Details of Property* (2)
"Sahithiarasikan M. K. Kurian Mithrapuram Memorial Endowment".	Rs. 1,001 (Rupees One thousand and one only)

By order of the Governor,
K. P VISWANATHA MENON,
Joint Secretary.

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport.)

Sri M. K. John (Rtd. Joint Director of Fisheries) Mithrapuram, Paranthal P.O., (via) Pandalam wishes to institute an endowment in the above name at the Government High School for Boys Adoor, Quilon. The preliminary notification regarding this has been published in the Gazette dated 9-3-1982. Now Government have approved the scheme and hence this notification.



GOVERNMENT OF KERALA

Revenue (E) Department

NOTIFICATION

G. O. (P)-No. 510//82/RD. *Dated, Trivandrum, 24th April,* 1982.

S. R. O. No. 675/82.—In exercise of the powers conferred by subsection (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), the Government of Kerala hereby make the following amendments to the Special Rules for the Kerala Survey and Land Records Service published under Notification G. O. MS. No. 416/59/Public (Rules) Department dated the 13th April, 1959 in Part I of the Kerala Gazette dated the 21st April, 1959, as subsequently amended, namely:—

AMENDMENTS

In the said rules, in the table under sub-rule (b) of rule 3, for item (ii) of the qualification in column (3) against category "4 Technical Assistant", in column (i) the following shall be substituted-namely:—

"(ii) Pass in the Head Draftsman's test or the Head Computor's Test".

By order of the Governor,
U. MAHABALA RAU,
Special Secretary.

Explanatory Note

(This is not part of the notification, but is intended to make the purpose of the notification clear.)

The qualifications for appointment to this category were prescribed before the Head Draftsman's test and Head Computor's test were prescribed for promotion to the post of Head Draftsman and Head Computor respectively. The Head Draftsman and Head Computor tests have since been prescribed as the pre-requisite qualification for the post of Head Draftsman and Head Computor respectively and appointment under this category is made by recruitment by transfer from the post of Head Draftsman and Head Computors. Hence it is necessary to prescribe the above test qualifications as a pre-requisite qualification for appoinment to the post of Technical Assistant instead of the existing qualification of Chain Survey test and Computor Draftsman test. This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Abstract

KERALA BUILDINGS (LEASE AND RENT CONTROL) ACT, 1965—BUILDINGS OWNED BY KOODALMANICKOM DEVASWOM—EXEMPTED.

PUBLIC WORKS (E) DEPARTMENT

G. O. (MS)52/82/PW. *Dated, Trivandrum, 28th April* 1982.

NOTIFICATION

S. R. O. No. 676/82.—In exercise of the powers conferred by subsection (1) of section 25 of the Kerala Buildings (Lease and Rent Control) Act, 1965 (2 of 1965), the Government of Kerala hereby exempt in public interest, the buildings owned by the Koodalmanickam Devaswom from all the provisions of the said Act.

By order of the Governor,
J. S. JESUDHASAN,
Special Secretary.

Explanatory Note

(This does not form part of the Notification but is intended to achieve its general purport).

It has become necessary to exempt in public interest the buildings owned by the Koodalmanickam Devaswom from all the provisions of the Kerala Buildings (Lease and Rent Control) Act, 1965. The notification is intended to achieve this purport.



GOVERNMENT OF KERALA

General Education (J) Department

NOTIFICATION

G.O. (P) No. 47/82/G.Edn. *Dated, Trivandrum, 12th April* 1982.

S.R.O. No. 677/82.—In exercise of the powers conferred by section 36 of the Kerala Education Act, 1958 (6 of 1959), the Government of Kerala hereby make the following Rules further to amend the Kerala Education Rules, 1959, namely:—

Rules

1. *Short title and commencement*:—(1) These Rules may be called the Kerala Education (Amendment) Rules, 1982.

(2) They shall come into force at once.

2. *Amendment of the Rules*:—In the Kerala Education Rules, 1959, in Chapter XXXI,—

(i) in rule 3, after Explanation II under the qualification for "(1) Upper Primary School Assistant", the following Explanation shall be inserted, namely:—

"*Explanation* III.—In the case of English medium divisions of Aided Schools, the Anglo Indian Training School Trained Teachers Certificate issued by the Commissioner for Government Examinations, Kerala shall be considered as sufficient training qualification for appointment in those divisions.";

(ii) in rule 4, after Explanation II under the qualification for "(1) Lower Primary School Assistant", the following Explanation shall be inserted, namely:—

"*Explanation* III.—In the case of English medium divisions of Aided Schools, the Anglo Indian Training School Trained Teachers Certificate issued by the Commissioner for Government Examinations, Kerala shall be considered as sufficient training qualification for appointment in those divisions.".

By order of the Governor,
P. Neelakantan Nair,
Additional Secretary.

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport).

It has been decided to include "Anglo Indian Training School Trained Teachers Certificate" issued by the Commissioner for Government Examinations, Kerala as an alternative qualification for appointment for Upper Primary School Assistant and Lower Primary School Assistant in the English Medium divisions of Aided Schools. This amendent is intended to achieve the above objects.

Kerala Gazette No. 22 dated 1st June 1982.
PART I Section iv



GOVERNMENT OF KERALA

Abstract

PUBLIC SERVICE—KERALA STATE AND SUBORDINATE SERVICES RULES, 1958—GENERAL RULE 9—AMENDMENT ISSUED.

GENERAL ADMINISTRATION (SERVICES-D) DEPARTMENT

G. O. (P) 26/82/GAD. Dated, Trivandrum, 27th January, 1982.

NOTIFICATION

S.R.O. No. 678/82.—In exercise of the powers conferred by sub-section (1) of section (2) of the Kerala Public Services Act, 1968 (19 of 1968) read with section 3 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala State and Subordinate Services Rules, 1958, namely:—

Rules

1. (1) These rules may be called the Kerala State and Subordinate Services (Amendment) Rules, 1981.

(2) They shall come into force at once.

2. In part II of the Kerala State and Subordinate Services Rules, 1958, in sub-rule (a) of rule 9, in the Second proviso, for the words "three months", the words "One hundred and eighty days" shall be substituted.

By order of the Governor,
S. ANANTAKRISHNAN,
Chief Secretary.

G. 484

[P. T. O.]

Explanatory Note

(This note is not part of the notification but is intended to indicate its general purport).

Under the provisions in the Kerala State and Subordinate Services Rules, 1958 a person appointed temporarily by direct recruitment to a post other than teaching post and a post covered by the proviso to clause (iii) of rule 10 (b) shall not be allowed to continue in such post for a period exceeding three months. As it is felt that this system has various defects it has been decided by Government to enhance the time limit to 180 days and to amend the Kerala State and Subordinate Services Rules, 1958 accordingly. The notification is intended to achieve the above object.

To

All Heads of Departments and Offices.	
All Departments (all sections) of the Secretariat.	
The Secretary, Kerala Public Service Commission	(with C.L.).
The Registrar, High Court of Kerala, Ernakulam	,,
The Registrar, University of Kerala/Calicut/Cochin	,,
The Registrar, Kerala Agricultural University, Trichur	,,
The Advocate General, Ernakulam	,,
The Secretary, Kerala State Electricity Board	,,
The General Manager, Kerala State Road Transport Corporation	,,
The Accountant General, Kerala, Trivandrum	,,
The Secretary to Governor.	,,
The Private Secretaries to the Chief Minister and other Ministers.	,,
The Under Secretary to the Chief Secretary.	

GOVERNMENT OF KERALA

Taxes (B) Department

NOTIFICATION

G. O. Ms. No. 35/82/TD. *Dated, Trivandrum,* 10*th May* 1982.

S. R. O. No. 679/82.—In exercise of the powers conferred by section 10 of the Kerala General Sales Tax Act, 1963 (15 of 1963), the Government of Kerala, having considered it necessary in the public interest so to do, hereby make an exemption in respect of the tax payable under Section 5 A of the said Act, on the purchase of paddy made under the levy scheme by the Co-operative Societies which were engaged in the procurement of levy paddy as agents of Government, for the period from 1st April, 1970 to 6th September, 1976, subject to the condition that tax, if any already paid on this account shall not be refunded.

By order of the Governor,
N. Krishnan Nair,
Special Secretary.

Explanatory Note

(This is not a part of the notification, but is intended to indicate the general purport).

The Co-operative Societies engaged in the procurement of levy paddy have been assessed under Section 5A for payment of purchase tax at 1% from 1-4-1970. It has been represented that the said Co-operative Societies were only agents appointed by Government and they distributed the paddy procurred from cultivators through ration shops either as paddy or as rice, the purchase price and selling price being fixed by Government. The Civil Supplies Department has not taken into account the element of purchase tax in fixing price. Since the purchase price and selling price have been fixed by Government and the stock purchased has already been issued to Card holders through ration shops without taking into account the claim for purchase tax, there is no possibility to refix the price subsequently by considering the purchase tax element also. The Civil Supplies Department and the Co-operative Banks/Societies

have requested to exempt the Co-operative Societies engaged in the procurement of levy paddy as agents of Government from payment of purchase tax under Section 5A from 1-4-1970. In the circumstances, Government consider that it is only just and reasonable to grant exemption to these Co-operative Societies from payment of tax under Section 5A for the period from 1-4-1970 to 6-9-1976. Government also consider that tax, if any, paid by the Co-operative Societies for the period from 1-4-1970 to 6-9-1976 should not be refunded. The notification is intended to achieve the above purpose.

GOVERNMENT OF KERALA

Labour (B) Department

NOTIFICATION

No. G. O. (Rt.) 515/82/LBR. *Dated, Trivandrum, 10th May* 1982.

S.R.O. No. 680/82.—In exercise of the powers conferred by rule 8 of the Kerala Factories (Welfare Officers) Rules, 1957, the Government of Kerala hereby exempt the Travancore Electro-Chemical Industries Limited, Chingavanam P. O., Kottayam, from the operation of the provisions contained in rules 4 and 5 of the said Rules, subject to the condition that this exemption shall apply only for the appointment of Shri M. S. Anand who is already working in the Labour and Welfare Department of the said Factory, as Welfare Officer.

By order of the Governor,
V. S. BHARATHAN,
Additional Secretary.

Explanatory Note

The Travancore Electro-Chemical Industries Limited, Chingavanam P. O. has sought for exemption from the operation of the provisions of rules 4 and 5 of the Kerala Factories (Welfare Officers) Rules, 1957, for appointing Shri M.S Anand as Welfare Officer in their factory. Sri Anand does not possess the qualification required under rule 4 of the said rules. He has been working in that factory for 6 years as Welfare Assistant. He is having the following educational qualifications.

(1) M. A. from Kerala University.

(2) Post Graduate Diploma in Personnel Management and Industrial Relations from Academy of Management Sciences and Studies, Madras affiliated to European Management Association.

He has been conferred the Corporate Membership by the National Institute of Personnel Management Calcutta.

Taking into account that the person is an employee of the Travancore Electro-Chemical Industries Limited and has got sufficient qualification and experience as stated above and as it is difficult for the factory authorities to appoint a candidate direct, Government consider that the Company has to be exempted from the operation of rules 4 and 5 of the said rules. The notification is intended to achieve the above object.

Government of Kerala
1982

Reg. No. KL/TV(N)/12



KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVII] Trivandrum, Tuesday, 1st June 1982 / 11th Jyaistha 1904 [No. 402

GOVERNMENT OF KERALA

Transport, Fisheries and Ports (Transport B) Department

ERRATA

No. 6233/TB2/82/TF&P. *Dated, Trivandrum, 24th May,* 1982.

In the Schedule to the Declaration No. 31927/TB2/80/TF&P dated the 31st January, 1981 published as S. R. O. No. 177/81 in the Kerala Gazette Extraordinary No. 111 dated the 9th February, 1981,—

(1) in the entries against serial No. 8, *for* the mark " ,, " *read* "Dry";

(2) in the entries against serial No. 14, *for* "Wet" *read* "Wet & Dry";

(3) in the entries against serial number 17, *for* "Wet" *read* "Dry";

(4) in the entries against serial number 23, *for* "Wet" *read* "Dry";

(5) in the entries against serial number 36, *for* "Wet" *read* "Dry";

(6) in the entries against serial No. 41, *for* the mark " ,, " *read* "Wet";

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(7) in the entries against serial No. 42, *for* the mark " ,, " *read* "Dry" ;

(8) in the entries against serial No. 62, *for* "Wet" *read* "Dry" ;

(9) in the entries against serial No. 70, *for* "Wet" *read* "Dry" .

Explanatory Note

(This does not form part of the notification, but intends to note general purport).

On verification it is noticed that description of Survey Sub Division No. of land shown as serial No. 8, 14, 17, 18, 23, 24, 36, 37, 38, 39, 40, 42, 62, 63 and 70 of the declaration is not correct. The above notification is to correct the above discrepancy of description of Survey Nos.

1981 ഫെബ്രുവരി 9-ാം തീയതിയിലെ 111-ാം നമ്പർ അസാധാരണ കേരള ഗസററിൽ എസ്. ആർ. ഒ. നമ്പർ 177/81 ആയി പ്രസിദ്ധീകരിച്ച 1981 ജനുവരി 31-ാം തീയതിയിലെ 31927/ററി. ബി2/80/ടി. എഫ് ആൻറ് പി. എന്ന നമ്പർ പ്രഖ്യാപനത്തിലെ പട്ടികയിൽ,—

(1) ക്രമനമ്പർ 8-ന് നേരെയുള്ള രേഖപ്പെടുത്തലുകളിൽ " ,, " എന്ന അടയാളത്തിനുപകരം "പുരയിടം" എന്നു വായിക്കേണ്ടതാണ്;

(2) ക്രമനമ്പർ 14-ന് നേരെയുള്ള രേഖപ്പെടുത്തലുകളിൽ "നിലം" എന്നതിനു പകരം "നിലവും പുരയിടവും" എന്നു വായിക്കേണ്ടതാണ്;

(3) ക്രമനമ്പർ 17-ന് നേരെയുള്ള രേഖപ്പെടുത്തലുകളിൽ "നിലം" എന്നതിനുപകരം "പുരയിടം" എന്നു വായിക്കേണ്ടതാണ്;

(4) ക്രമനമ്പർ 23-ന് നേരെയുള്ള രേഖപ്പെടുത്തലുകളിൽ "നിലം" എന്നതിനുപകരം "പുരയിടം" എന്നു വായിക്കേണ്ടതാണ്;

(5) ക്രമനമ്പർ 36-ന് നേരെയുള്ള രേഖപ്പെടുത്തലുകളിൽ "നിലം" എന്നതിനുപകരം "പുരയിടം" എന്നു വായിക്കേണ്ടതാണ്;

(6) ക്രമനമ്പർ 41-ന് നേരെയുള്ള രേഖപ്പെടുത്തലുകളിൽ " ,, " എന്ന അടയാളത്തിനുപകരം "നിലം" എന്നു വായിക്കേണ്ടതാണ്;

(7) ക്രമനമ്പർ 42-ന് നേരെയുള്ള രേഖപ്പെടുത്തലുകളിൽ " ,, " എന്ന അടയാളത്തിനുപകരം "പുരയിടം" എന്നു വായിക്കേണ്ടതാണ്;

(8) ക്രമനമ്പർ 62-ന് നേരെയുള്ള രേഖപ്പെടുത്തലുകളിൽ "നിലം" എന്നതിനുപകരം "പുരയിടം" എന്നു വായിക്കേണ്ടതാണ്.

(9) ക്രമനമ്പർ 70-ന് നേരെയുള്ള രേഖപ്പെടുത്തലുകളിൽ "നിലം" എന്നതിനുപകരം "പുരയിടം" എന്നുവായിക്കേണ്ടതാണ്.

വിശദീകരണക്കുറിപ്പ്

(ഇത് വിജ്ഞാപനത്തിന്റെ ഭാഗമല്ല, എന്നാൽ പൊതു ഉദ്ദേശം സൂചിപ്പിക്കാൻ ഉദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്).

പ്രഖ്യാപനത്തിലെ 8, 14, 17, 18, 23, 24, 36, 37, 38, 39, 40, 42, 62, 63, 70 എന്നീ ക്രമ നമ്പരുകളിൽ കാണിച്ചിട്ടുള്ള വസ്തുക്കളുടെ സർവ്വെ സബ് ഡിവിഷൻ നമ്പരുകളുടെ വിവരണം തെററാണെന്ന് പരിശോധനയിൽ കാണപ്പെട്ടു. മേൽപ്പറഞ്ഞ വിജ്ഞാപനം സർവ്വെ നമ്പരുകളിലെ വിവരണത്തിലെ മേൽകാണിച്ച തെററ് തിരുത്തുന്നതിന് വേണ്ടിയുള്ളതാണ്.

By order of the Governor,

P. SANKARAN NAIR,
Additional Secretary to Government.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1982.